

State of Missouri Public Defender Commission



Fiscal Year 2009 Annual Report

Assuring the Public Defense

The Right to Counsel and the State Public Defender System in Missouri

J. Marty Robinson, State Public Defender, Director

Cathy Kelly, Deputy Director

Dan Gralike, Deputy Director

Kathleen Lear, Comptroller

[Http://www.publicdefender.mo.gov](http://www.publicdefender.mo.gov)

October 1, 2009



**Office of the State Public Defender
231 East Capitol**

Jefferson City, Missouri 65101
573-526-5210 – Phone 573-526-5213 – Fax

J. Marty Robinson
Director

Kathleen L. Lear
Comptroller

M E M O R A N D U M

TO: Governor Nixon
Chief Justice Price
Members of the Supreme Court
Members of the General Assembly
Presiding Judges

FROM: J. Marty Robinson, Director
Members of the State Public Defender Commission

DATE: October 1, 2010

RE: Fiscal Year 2009 Annual Report

On behalf of Missouri's State Public Defender System, we present to you this Annual Report for the fiscal year ended June 30, 2009.

Herein you will find a wealth of information and statistics regarding the operations of the State Public Defender during FY2009. Moreover, a historical review of the State Public Defender's 1972 origin will give you a sense of where we've been. Finally, a summary of our fiscal year 2011 budget request presents a vision of where we need to be in the future.

Attorney turnover, a historic challenge for Missouri's Public Defender System, was much lower in FY09 than in recent years. This cannot be attributed to improved working conditions for Missouri's Public Defenders. Simply put, caseloads of Missouri's defenders remain too high and salaries remain too low. Rather, our improved retention is directly related to the poor economic conditions in general. As the economy and legal job markets improve we expect our turnover to worsen.

For the third year in a row, cases assigned to our Trial Division were down, 3.3% from FY08. To give credit where credit is due, we must acknowledge the efforts of Missouri's media, judiciary, and private Bar. For several years the press has covered the long-standing issue of Missouri's Public Defender caseloads. This historic problem was exacerbated earlier this decade as caseloads rose without addition of any new public defenders. The media's coverage in turn leads to more judicious appointments of the PD by many judges. Which, in turn, lead to more private Bar involvement in indigent defense. A volunteer program in Greene County, whereby private lawyers took on representation in probation revocation cases, is an outstanding example of the private Bar's willingness to help. Such efforts cannot however be relied upon as a permanent fix, as the Greene County program is scheduled to end this fall.

For the past decade, every year, Missouri's Public Defender System has requested the resources needed to handle its caseload. This year is no exception. However, this year, we are in a far different position than in the past.

Over the past ten years, very few have suggested Missouri's Public Defender System does not need additional resources. In fact, most agree that by any measure MSPD is woefully under-resourced. Yet, resources have not been forthcoming. Consistently, the reason proffered has been, in these tough economic times, the resources simply did not exist. The direction given to MSPD was to 'think outside the box', rather than simply asking for resources that do not exist. We complied.

In 2005, the Missouri Bar formed a task force to study and report on the State Public Defender. This led to a 2006 Interim Committee assigned by the Missouri Senate, to take testimony and report on the state of Missouri's Public Defender System. This was followed by a 2007 Committee assigned by the Missouri Supreme Court, to study and report on a proposed Court Rule, limiting Public Defender caseloads. In turn, a 2008 State Administrative Rule (18 CSR) by the State Public Defender Commission, limiting public defender caseloads. Finally, in 2009, the Missouri Legislature overwhelmingly passed the now-vetoed SB37, which would have also codified the limiting of PD caseloads. The veto message, in brief, was that the problem is actually one of resources. We agree.

For fiscal year 2011 the Missouri State Public Defender System is requesting the resources it needs to meet the mission it is constitutionally and statutorily mandated to accomplish. Despite slight improvements in overall caseload, and temporary improvement in retention, Missouri's Public Defenders are far under-resourced. The problem cannot be corrected with outside-the-box remedies. They have been attempted, and rejected. The fix is resources and the time is now.

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Public Defender Commission
Annual Report – Fiscal Year 2009

I. The Public Defender System

In response to the guarantee of effective assistance of counsel contained in both the United States and Missouri constitutions, the Missouri State Public Defender System was established on April 1, 1982 as a "system for providing defense services to every jurisdiction within the state by means of a centrally administered organization having a full-time staff." Through this Department of State government, constitutionally required defense services are provided to eligible persons. This was accomplished through an organized program able to respond to the needs of all judicial jurisdictions within the state. As the caseloads have increased with no corresponding increase in resources, the Public Defender is no longer capable to respond to all of these needs.

THE CONSTITUTIONAL MANDATE FOR PUBLIC DEFENSE

The United States Supreme Court has interpreted the Sixth Amendment of the U.S. Constitution to require the appointment of counsel in any state or federal criminal prosecution that may lead to imprisonment for any period of time.

See generally, *Alabama v. Shelton*, 535 US 654, 662 (2002); *Strickland v. Washington*, 466 U.S. 688, 684-86 (1984); *Scott v. Illinois*, 440 U.S. 367, 373-74 (1979); *Argersinger v. Hamlin*, 407 U.S. 25, 30-31 (1972); *Gideon v. Wainwright*, 372 U.S. 335, 342-45 (1963).

CONSTITUTION OF THE UNITED STATES OF AMERICA

BILL OF RIGHTS, AMENDMENT VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

CONSTITUTION OF THE STATE OF MISSOURI

ARTICLE I, SECTION 18(A)

That in criminal prosecutions the accused shall have the right to appear and defend, in person and by counsel; to demand the nature and cause of the accusation; to meet the witnesses against him face to face; to have process to compel the attendance of witnesses in his behalf; and a speedy public trial by an impartial jury of the county.

Indigent Defense Services in Missouri: A Time Line

1963— *Gideon v. Wainwright*: The U.S. Supreme Court ruled that the Sixth Amendment to the U.S. Constitution's guarantee of the right to assistance of counsel in one's defense in a criminal prosecution extended even to those unable to hire their own attorney.

1972— Missouri enacted Chapter 600 gathering together a blended system of local public defender offices and appointed counsel programs under the auspices of a Public Defender Commission. Funding was provided by federal Law Enforcement Assistance Grants through the Department of Justice. In Missouri, these funds, along with additional "High Impact" grants for urban areas, were used to create public defender offices in St. Louis and Kansas City; and to pay appointed counsel in the rest of the state.

1977— Eighteen of Missouri's 43 judicial circuits were covered by public defender offices, with the remainder still relying on an appointed counsel system under which the judge assigned cases to members of the private bar. OSCA administered the program for the Public Defender Commission.

1982— The Office of the Missouri State Public Defender was created as an independent state department within the judicial branch. The appointed counsel program was eliminated in favor of contract counsel – private practitioners who agreed to take on all indigent clients in a particular area in return for a set contract fee, with supplemental adjustments as appropriate based on numbers and types of cases.

1989— Due to the rising cost of the contract counsel program and the increasing difficulty finding private practitioners willing to take on indigent cases for the fees paid by the State Public Defender System, the system was reorganized under the administration of Governor John Ashcroft. The new system eliminated all contract arrangements and replaced them with public defender offices, staffed with full time public defenders, covering all counties in the state.

The Missouri State Public Defender System was also reorganized at that time into three legal services divisions -- Trial, Appellate/Post-Conviction Relief, and Capital – in order to improve efficiency through specialization of practice areas. The Trial Division (a map detailing the trial district offices can be found on page 60 of this report) provides legal services at the trial level throughout the state and is subdivided into thirty-six district offices. The Appellate Division, which provides legal services for cases in the Appellate and Supreme Courts and with post-conviction matters in the trial courts, has offices in Kansas City, St. Louis, and Columbia. The Capital Division, which provides representation in cases at trial and on appeal when the death penalty is sought by the prosecution, has offices in Kansas City, St. Louis, and Columbia.

Mission Statement

The mission of the Missouri State Public Defender System is to provide high quality, zealous advocacy for indigent people who are accused of crime in the State of Missouri.

The lawyers, administrative staff, and support staff of the Public Defender System will ensure that this advocacy is not comprised.

To provide this uncompromised advocacy, the Missouri State Defender System will supply each client with a high-quality, competent, ardent defense team at every stage of the process in which public defenders are necessary.

What Does a Public Defender Do?

Every Missouri Public Defender is an attorney, licensed to practice law in the State of Missouri. When an individual is accused of a crime and requests a lawyer, a referral is made to the public defender office handling the cases in the county where the charge has originated. After an accused makes application for public defender services, the public defender makes a determination using financial guidelines established by the State Public Defender Commission as to whether or not the accused is indigent and eligible for public defender representation. If the accused is found eligible by the defender, the defender undertakes representation of the accused. If the defender does not find the accused eligible, the accused may appeal the defender's determination to the court. Only then, and only if the court disagrees with the defender's determination, may the court order the defender to represent the accused.

The process of representing the indigent accused includes representing the client in all facets of the case. Defenders must meet with their clients at least once a month, interview witnesses, file for discovery, prepare and file appropriate motions, negotiate with the prosecution, prepare trial strategy and do the legal research necessary to provide representation to the client in a court of law. Representation of the accused extends to an appeal if, after the trial, the defendant is found guilty. MSPD also provides representation in probation revocations and post-conviction matters.

Caseload Crisis: A System Operating in Triage

Up until Fiscal Year 2010, MSPD had no addition to its staff in six years, while its caseload rose by as much as 12,000 cases during that same time period. Even before the staffing levels completely flat-lined in 2000 caseload continued to climb. MSPD had been struggling under an ever-widening gap between the pace of the increase in its caseload and the much slower, smaller increase in the numbers of attorneys and support staff to handle that caseload. When all staffing increases ground to a halt, the struggle turned into a full-blown caseload crisis with lawyers forced to triage their services. According to an independent assessment by the Spangenberg Group in October, 2005, MSPD is operating in crisis mode and "the probability that public defenders are failing to provide effective assistance of counsel and are violating their ethical obligations to their clients increases every day."

In 2007, a Senate Interim Committee report confirmed the continuing constitutional crisis facing Missouri's justice system as a result of the overloaded public defender system. MSPD has been informed that a new assessment by The Spangenberg Group due out within the next few weeks has determined that the situation has not improved.

Unlike every other state agency, MSPD only does one thing and it is constitutionally mandated. **MSPD has no mechanism with which to control or reduce its workload to correspond with its staffing levels**, short of refusing cases and throwing the state of Missouri into federal court for constitutionally violating the right of indigent clients to effective assistance of counsel.

An American Bar Association Opinion issued on May 13, 2006 reiterates that Public Defenders are as obligated as any other attorney under their ethical and professional obligations to refuse cases when caseloads become too high for them to adequately handle the workload and to provide adequate representation. In Missouri, there is currently no back-up plan in place for provision of counsel, should the public defenders have to refuse cases in accordance with their ethical and professional obligations not to take on more cases than they can effectively handle.

Using data from Fiscal Year 2009, a composite example of a "typical trial division public defender" can be developed. In Fiscal Year 2009, the Trial Division of the Public Defender System opened 79,425 new cases. In Fiscal Year 2009, the Trial Division was allocated 299 attorney positions. Therefore, the "typical trial division public defender" opened 272 cases. This is well above the Department of Justice's National Advisory Commission on Criminal Justice Standards (NAC) recommended caseload for public defenders. The NAC standard is 225 cases per year.

MSPD's caseload has actually slowed and even declined slightly over the last few years as awareness of its caseload crisis has spread. Public defenders have seen a marked decrease in the numbers of cases judges are referring to them for services and observers note that many more prosecutors are dealing with minor misdemeanor cases through probation offers made directly to the defendant without any provision of counsel. While these measures have prevented continuing caseload growth for Missouri's public defenders, it is certainly open to question whether these changes serve justice or merely expediency. At any rate, there can be no doubt that more indigent Missourians are being moved through the criminal justice system without counsel today than in the past as an unavoidable response to the case overload threatening Missouri's public defender system. The breakdown by category of cases handled by the "typical trial division defender" is shown below:

Fiscal Year 2009 State Public Defender - Trial Division Typical Attorney Caseload	
Description	# of Cases
Homicide	1
A-B Felony	23
C-D Felony	85
Misdemeanor	58
Traffic	32
Juvenile	9
Probation Violation	65
Total Average Caseload Per Trial Division Attorney	273

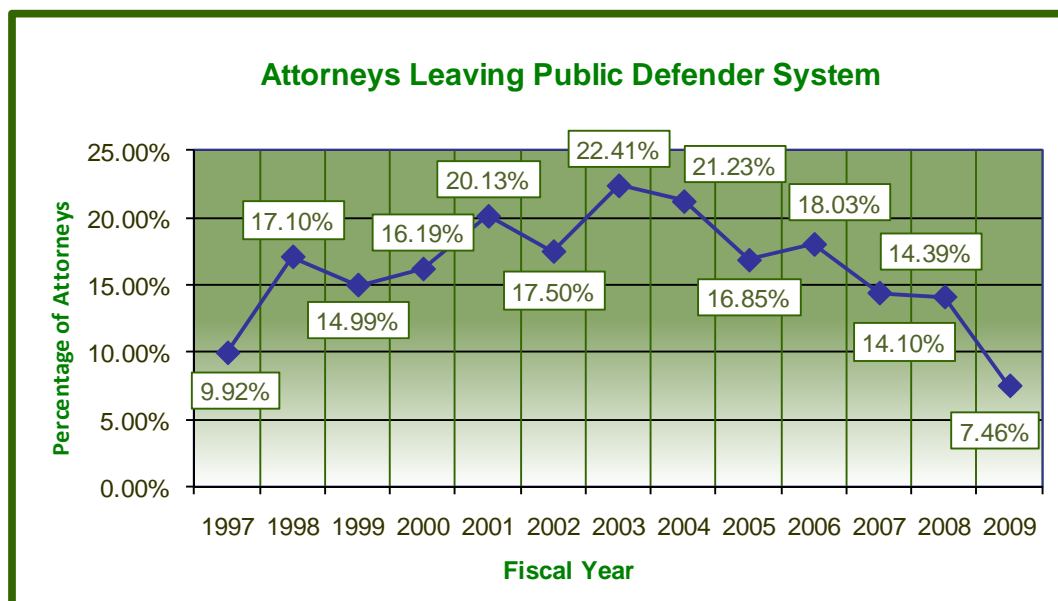
Staffing Challenges

Providing effective assistance of counsel in each case demands a well-trained, highly experienced corps of dedicated attorneys and support staff. The 2005 Spangenberg Report found that MSPD had experienced the equivalent of 100% attorney turnover over the first five years of this decade." In Fiscal Year 2007, repositioning adjustment increases were given to MSPD attorneys to try to stem the flow, but the problem is far from solved. Staggering student debt loans (\$60,000—\$100,000) make it impossible for even those called to public interest employment to work for MSPD, make their loan payments, and provide for themselves and their families.

Public Defender salaries have not kept pace with those in the rest of the legal community. As a result of the relatively low salaries, high caseloads and heavy student loan debt, attorney turnover has long been a challenge.

In March of 2006, the Personnel Advisory Board of the Office of Administration reviewed the salaries of the Missouri Assistant Public Defenders. Their summary stated: "the pay of the Missouri Assistant Public Defenders is behind the pay of comparable jobs or jobs requiring similar training and experience in the labor market." "...the minimum starting salary for MSPD Assistant Public Defenders would need to increase 14.5% to equate to the reported average minimum rate of pay of collected survey data."

Following the repositioning salary adjustments of 2007, MSPD's attorney turnover did drop several significant percentage points though still among the highest turnover classifications in state government. The recession of 2008-2009 was actually much more effective in reducing attorney turnover, with a drop all the way down to almost 7.00%. Law firms stopped hiring and senior attorneys on the verge of setting up their own private practice put plans on hold, given the state of the economy. The combination has given MSPD a temporary reprieve from the revolving door. However, it is only temporary. The underlying factors that have perennially cause such high attorney turnover have not been resolved -- Missouri's public defenders still struggle with staggering student loan debt and still are paid less than what their counterparts in adjoining states were receiving almost four years ago. Caseloads are still overwhelming and lawyers still enjoy no immunity from either civil liability or disciplinary action for their failures to handle that caseload effectively, no matter how impossible that task might be. There is no doubt that as soon as the economy improves, the revolving door will once again begin to spin.



Caseload and Cost Highlights

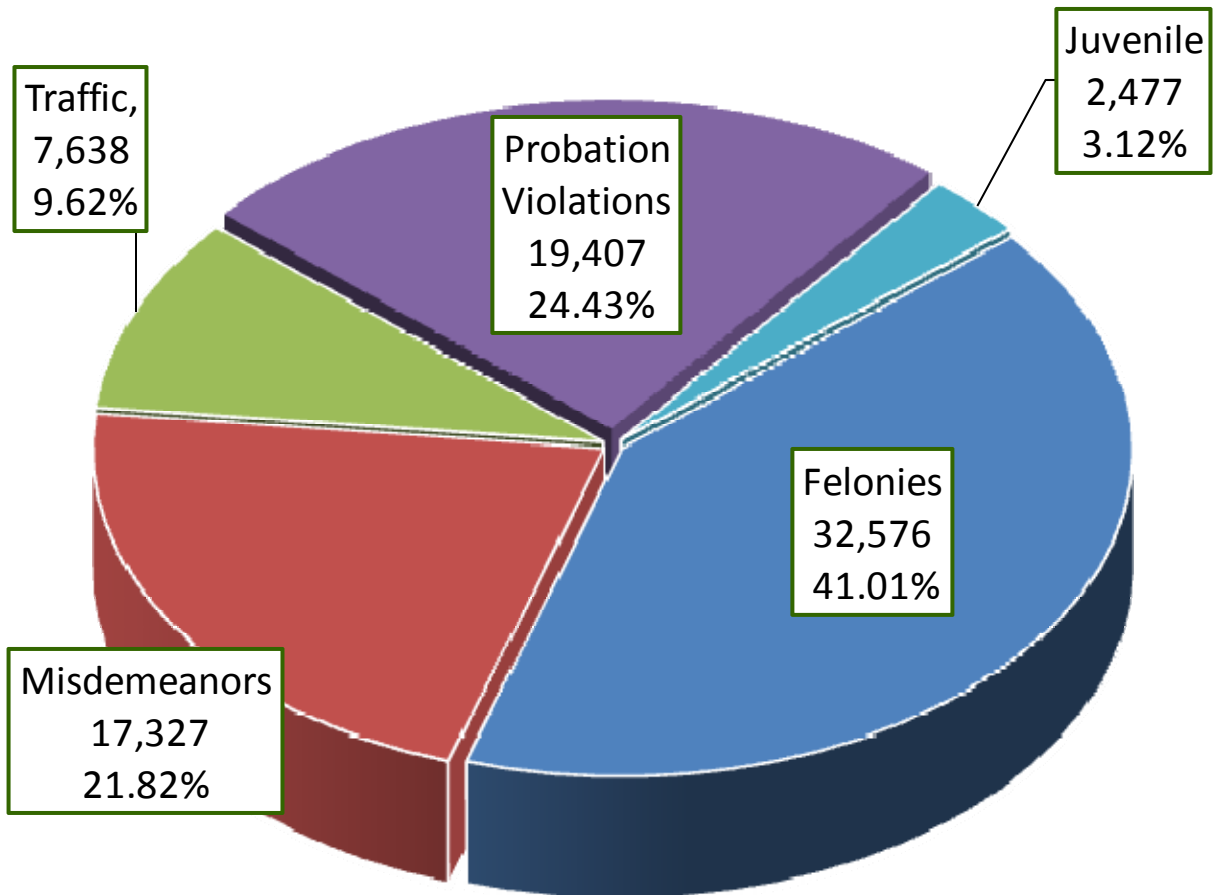
A. Caseload

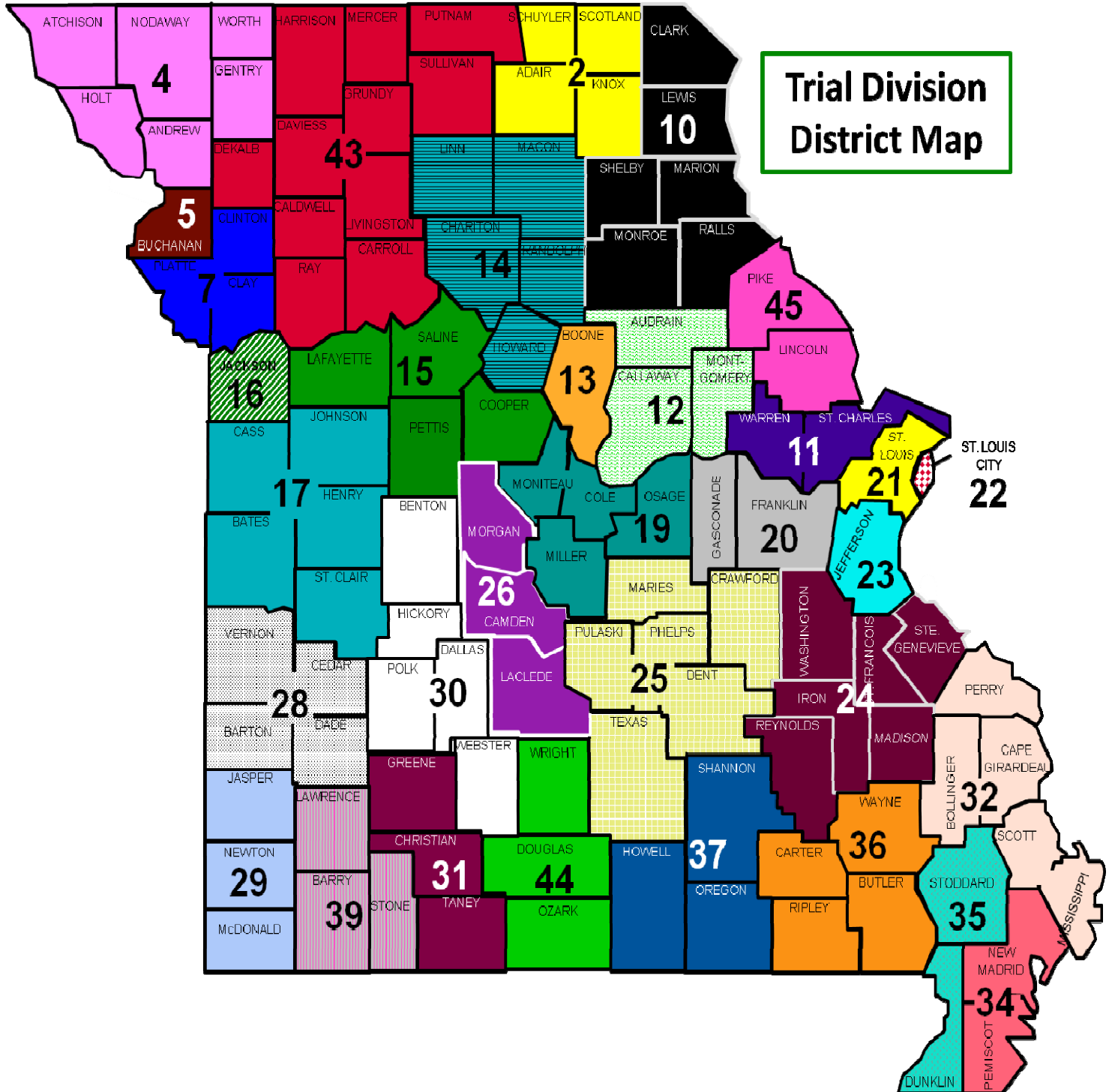
1. New Trial Division Cases

Of the 83,082 cases opened by the State Public Defender System, 79,425 or 95.59% were opened by the Trial Division.

FY2009 ASSIGNED CASES - Trial Division -		
Case Type		FY09 Trial Division Cases
10	Murder - Death Penalty	2
15	Murder 1st Degree	101
20	Other Homicide	155
30D	AB Felony Drug	2,633
30F	AB Felony Other	3,394
30X	AB Felony Sex	710
35D	CD Felony Drug	5,235
35F	CD Felony Other	19,983
35X	CD Felony Sex	314
45M	Misdemeanor	17,327
45T	Misdemeanor - Traffic	7,638
50N	Juvenile - Non Violent	1,246
50S	Juvenile - Status	360
50V	Juvenile - Violent	871
60	552 Release Petitions	38
65F	Probation Violation - Felony	13,719
65M	Probation Violation - Misd	5,688
75	Special Writ	8
80	Appeal - Misdemeanor	2
82	Appeal - Other	1
	Totals	79,425

**Fiscal Year 2009
Trial Division
Cases Assigned
By Case Type**





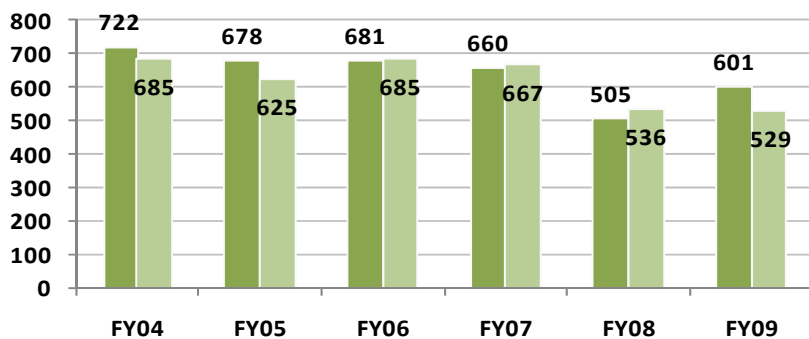
TRIAL DIVISION NEW CASES OPENED
FIVE FISCAL YEAR COMPARISON - FY2005 to FY2009
BY DISTRICT

District #	District Name	FY05 Cases Opened	FY06 Cases Opened	FY07 Cases Opened	FY08 Cases Opened	FY09 Cases Opened	# Change 2005 to 2009	% Change 2005 to 2009
1	St. Louis Juvenile	897	866	869	Office Closed	Office Closed	-897	-100.00%
2	Kirksville	678	681	660	505	601	-77	-11.36%
4	Maryville	627	531	585	594	539	-88	-14.04%
5	St. Joseph	2,336	2,417	2,287	2,040	2,307	-29	-1.24%
6	Kansas City Juvenile	1,434	1,203	990	Office Closed	Office Closed	-1,434	-100.00%
7	Liberty	3,489	3,415	3,298	3,118	2,993	-496	-14.22%
10	Hannibal	1,670	1,546	1,615	1,432	1,467	-203	-12.16%
11	St. Charles	1,670	1,710	1,943	1,881	1,932	262	15.69%
12	Fulton	1,964	1,780	1,658	1,651	1,734	-230	-11.71%
13	Columbia	4,082	4,713	4,524	4,473	4,255	173	4.24%
14	Moberly	1,628	1,556	1,825	1,759	1,566	-62	-3.81%
15	Sedalia	1,934	2,002	1,861	1,796	1,823	-111	-5.74%
16	Kansas City	8,520	8,135	7,963	8,470	8,077	-443	-5.20%
17	Harrisonville	2,655	2,656	2,721	2,549	2,623	-32	-1.21%
19	Jefferson City *	1,120	1,214	2,220	2,347	2,093	973	86.88%
20	Union	1,534	1,479	1,381	1,497	1,672	138	9.00%
21	St. Louis County	3,698	3,968	3,889	4,217	3,922	224	6.06%
22	St. Louis City	7,649	6,924	6,323	6,626	6,247	-1,402	-18.33%
23	Hillsboro	2,614	1,915	1,820	1,463	1,626	-988	-37.80%
24	Farmington	2,163	2,275	2,123	2,443	2,073	-90	-4.16%
25	Rolla	3,202	3,926	3,459	3,365	3,147	-55	-1.72%
26	Lebanon *	2,630	2,844	1,800	1,782	1,889	-741	-28.17%
28	Nevada	1,407	1,213	1,247	1,288	1,336	-71	-5.05%
29	Carthage	4,372	4,166	4,063	3,896	3,926	-446	-10.20%
30	Buffalo	1,926	1,903	1,693	1,514	1,724	-202	-10.49%
31	Springfield	4,923	5,561	5,745	5,573	4,555	-368	-7.48%
32	Cape Girardeau	2,562	2,863	2,715	3,004	2,907	345	13.47%
34	Caruthersville	1,062	1,112	1,115	1,148	1,018	-44	-4.14%
35	Kennett	1,694	1,693	1,631	1,504	1,421	-273	-16.12%
36	Poplar Bluff	1,844	1,871	2,119	1,829	1,920	76	4.12%
37	West Plains	1,071	1,152	1,538	1,243	1,472	401	37.44%
39	Monett	2,058	2,215	2,397	2,281	1,738	-320	-15.55%
43	Chillicothe	2,519	2,590	2,652	2,626	2,282	-237	-9.41%
44	Ava	817	865	904	878	1,021	204	24.97%
45	Troy	<u>1,372</u>	<u>1,366</u>	<u>1,362</u>	<u>1,381</u>	1,519	147	10.71%
Total Trial Division Assigned Cases		85,821	86,326	84,995	82,173	79,425	-6,396	-7.38%
		FY2005	FY2006	FY2007	FY2008	FY2009	FY05 to FY09	

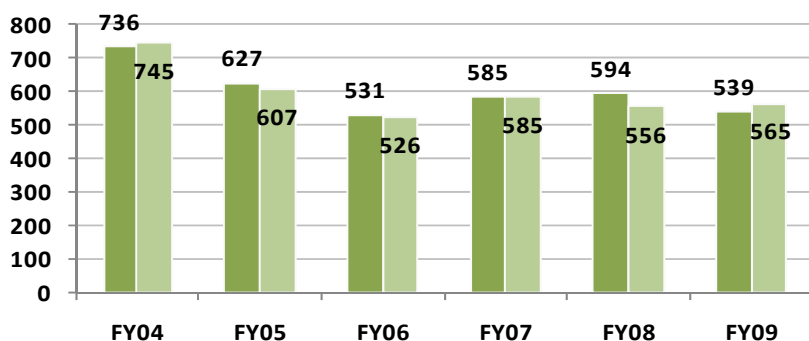
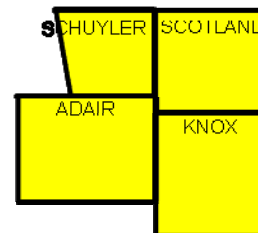
Notes: District 01 & District 06 were closed at the beginning of Fiscal Year 2008
District 19 & District 26 service area were changed in Fiscal Year 2008

Cases Opened and Closed – By District Fiscal Year 2004 to Fiscal Year 2009

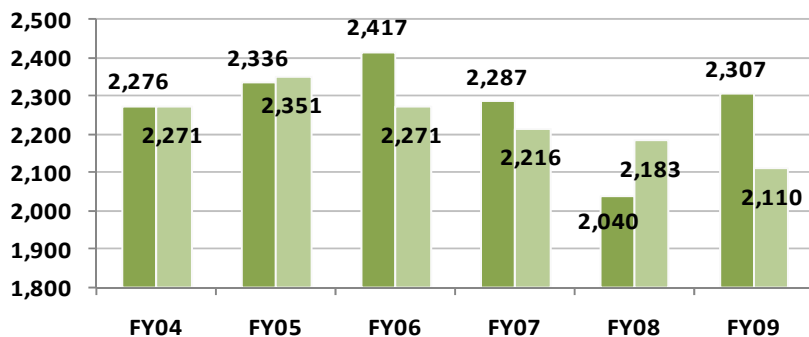
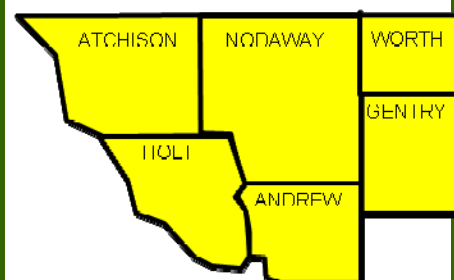
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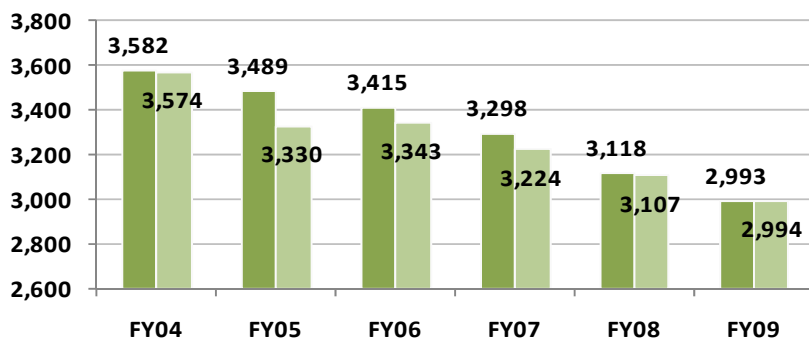
District 2 – Kirksville



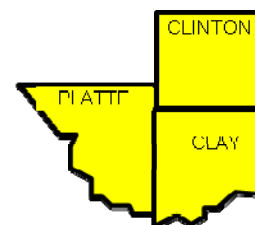
District 4—Maryville



District 4 - St. Joseph

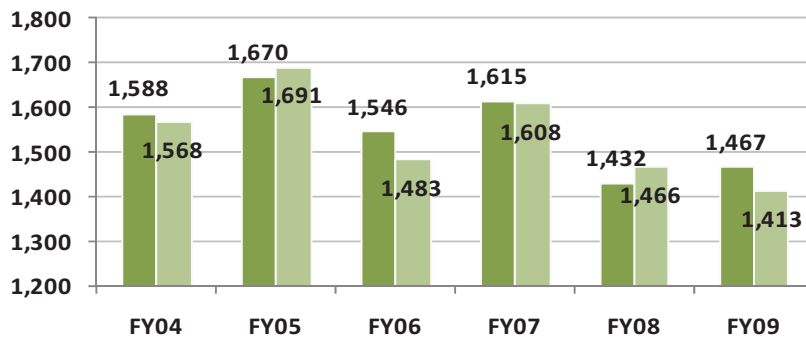


District 5 - Liberty

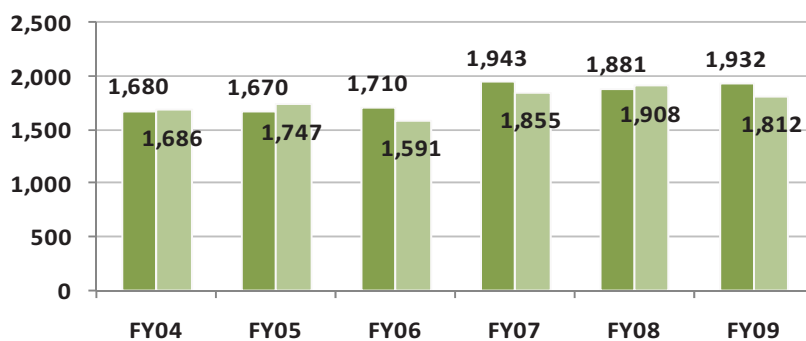
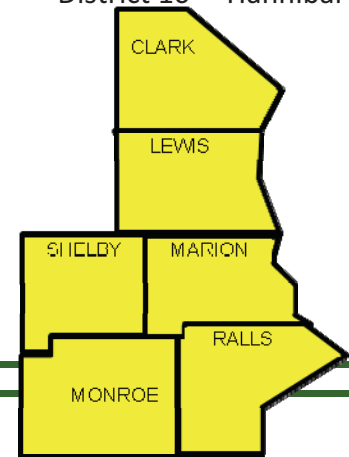


Cases Opened and Closed – By District Fiscal Year 2004 to Fiscal Year 2009

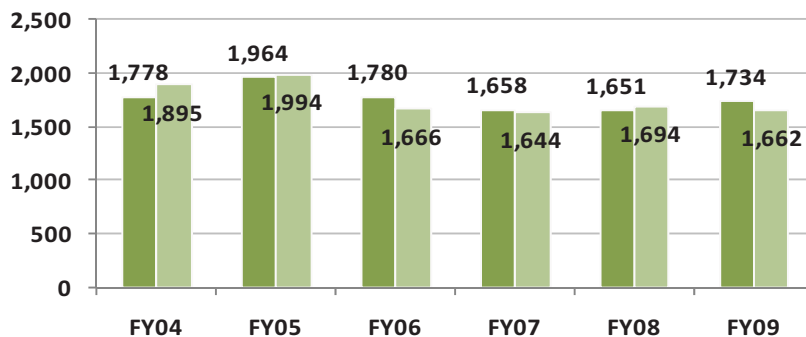
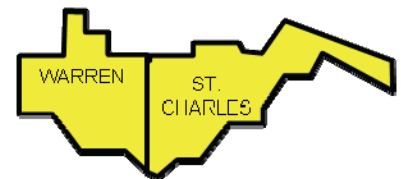
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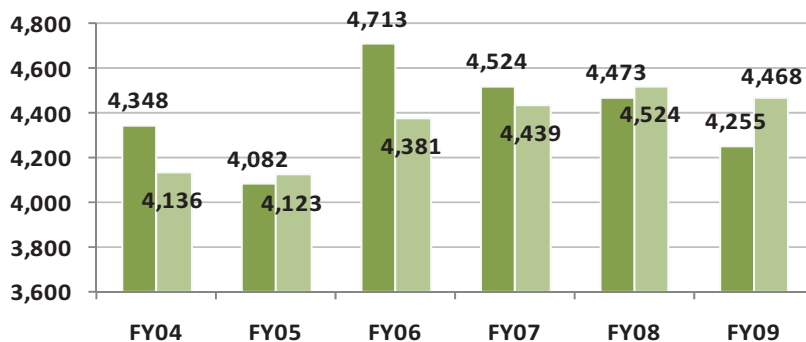
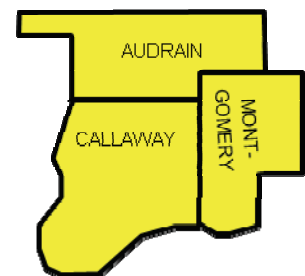
District 10 — Hannibal



District 11 — St. Charles



District 12 - Fulton

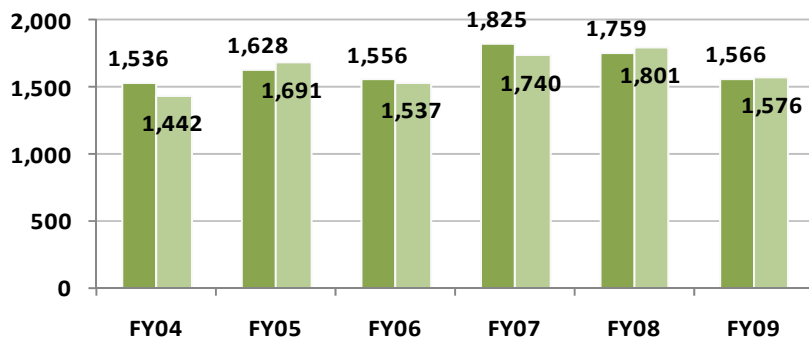


District 13 Columbia

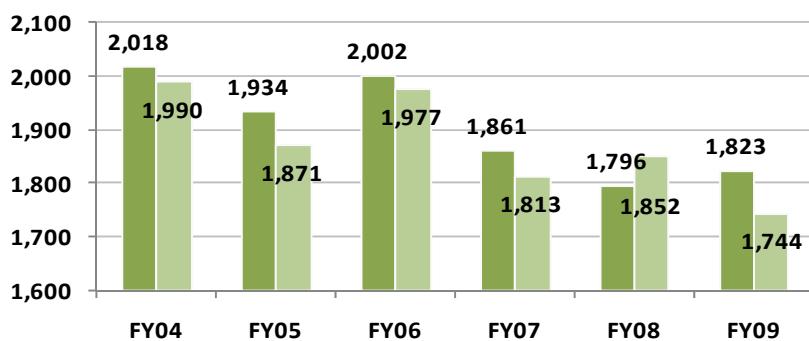
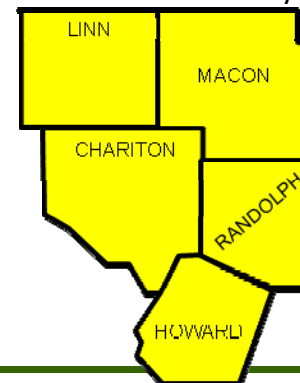


Cases Opened and Closed – By District Fiscal Year 2004 to Fiscal Year 2009

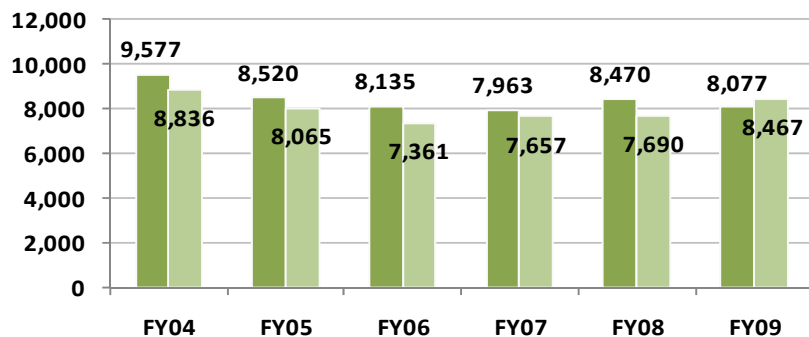
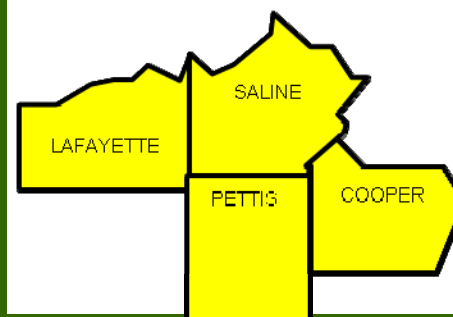
Opened
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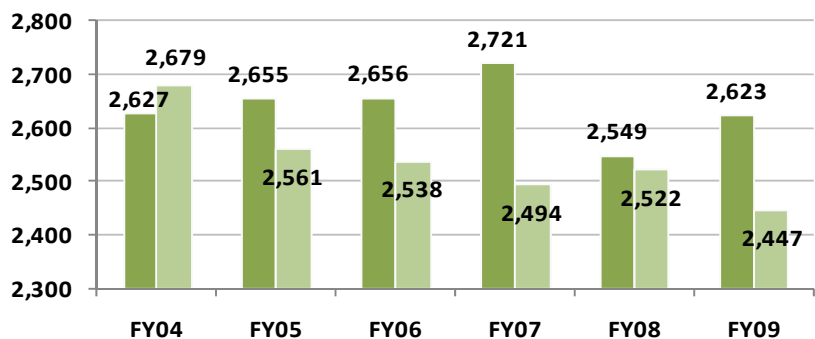
District 14 — Moberly



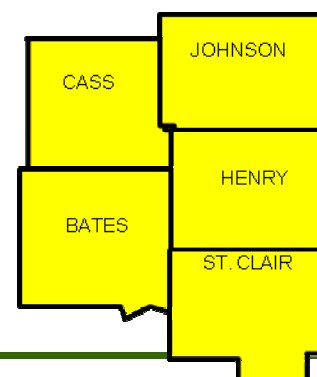
District 15 — Sedalia



District 16 — Kansas City

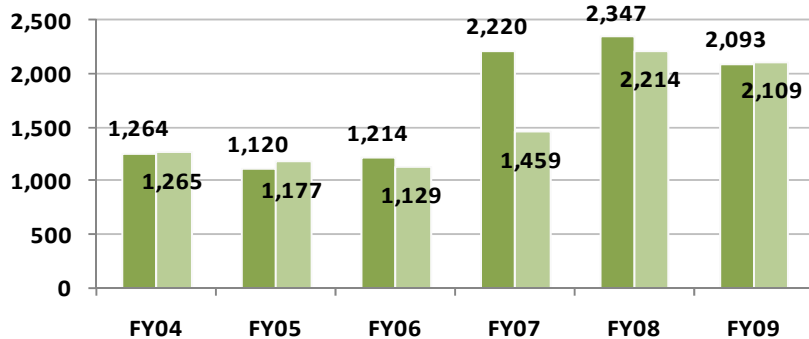


District 17 — Harrisonville

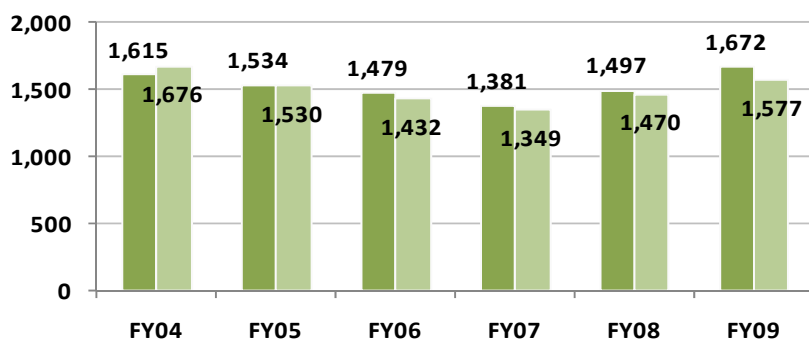
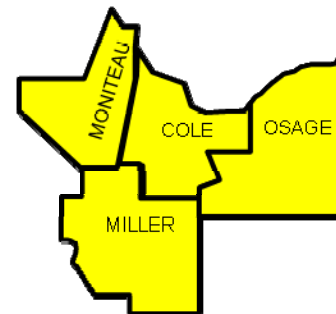


Cases Opened and Closed – By District Fiscal Year 2004 to Fiscal Year 2009

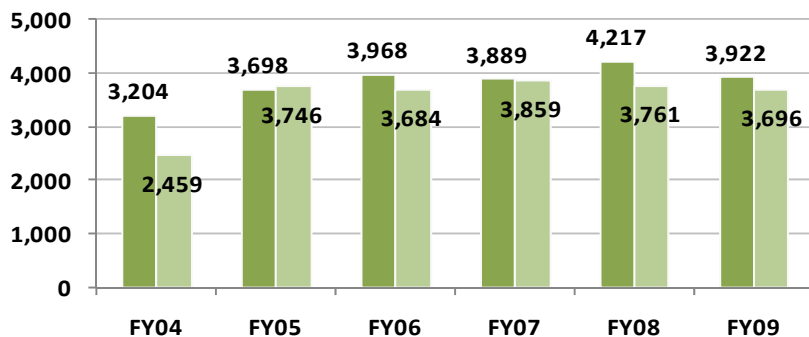
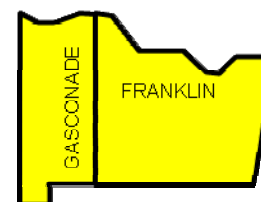
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 Closed



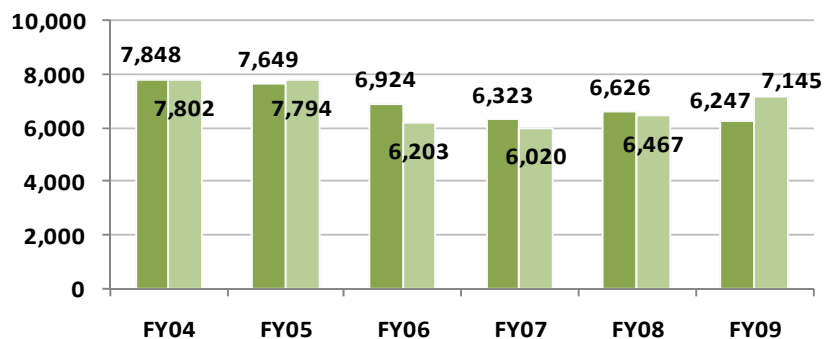
District 19—Jefferson City



District 20—Union



District 21—St. Louis County

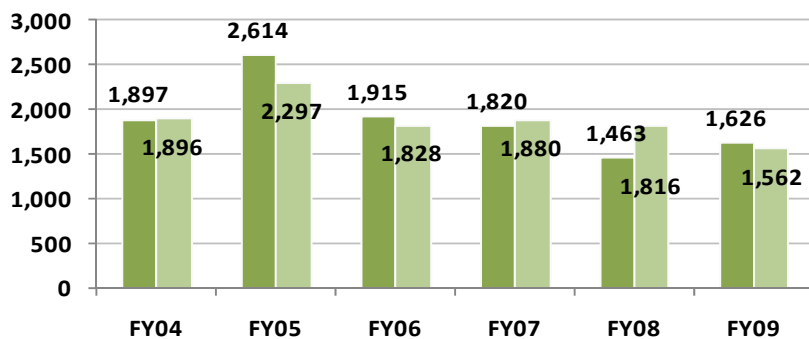


District 22—St. Louis City

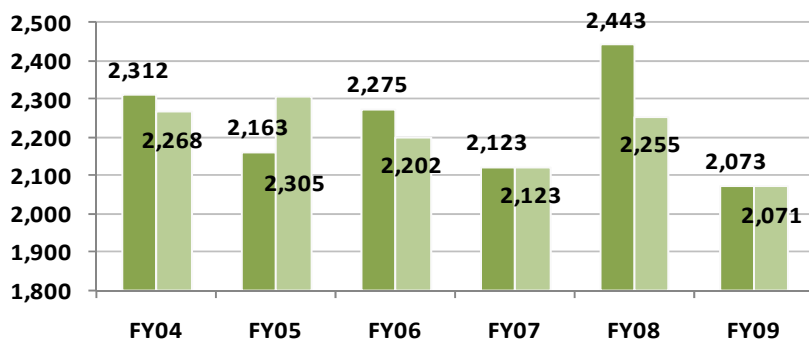


Cases Opened and Closed – By District Fiscal Year 2004 to Fiscal Year 2009

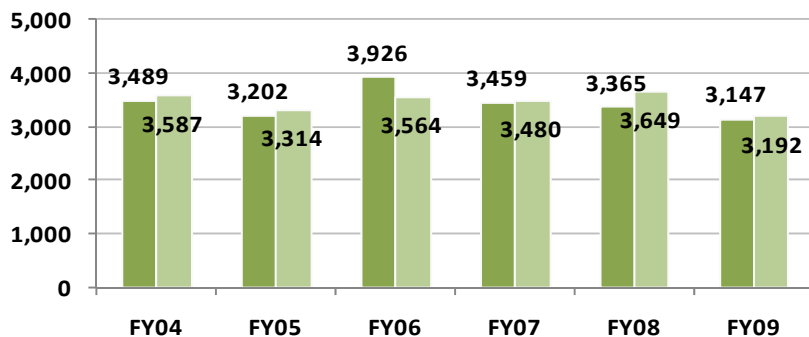
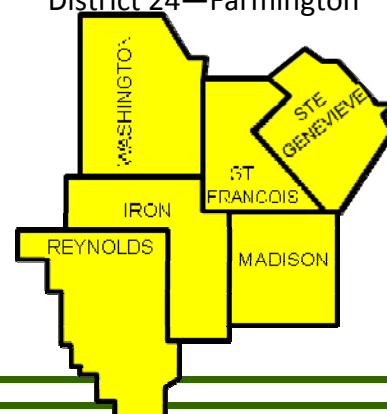
Opened
 Closed



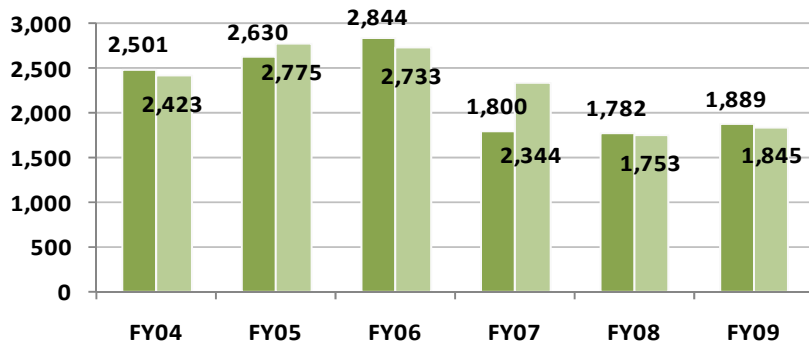
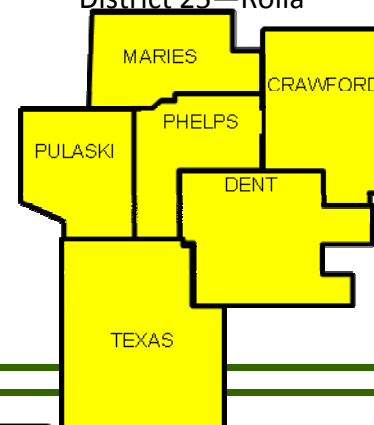
District 23—Hillsboro



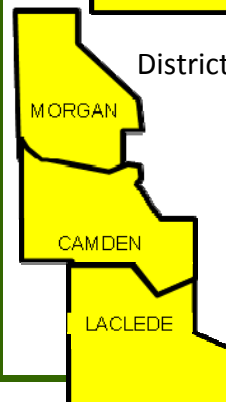
District 24—Farmington



District 25—Rolla

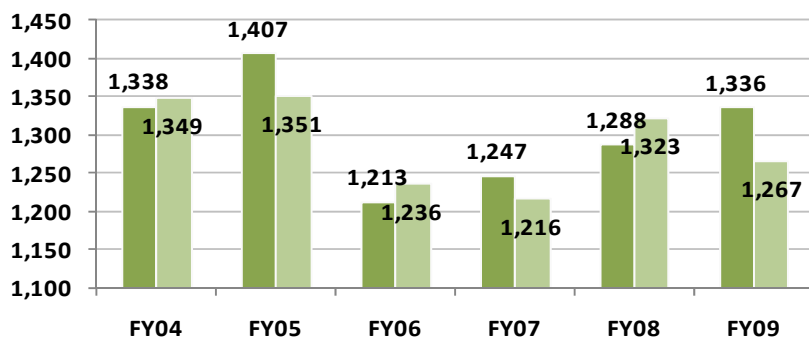


District 26—Lebanon

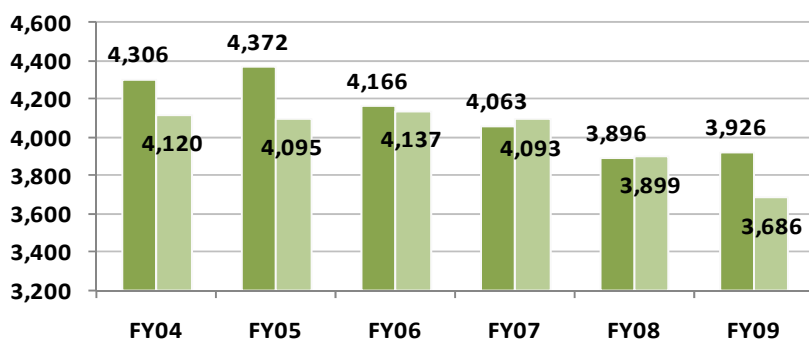
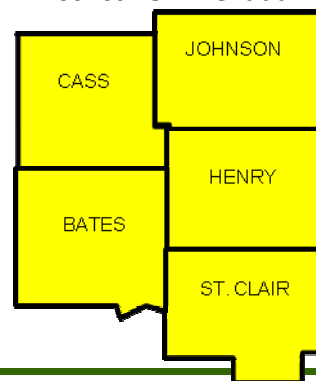


Cases Opened and Closed – By District Fiscal Year 2004 to Fiscal Year 2009

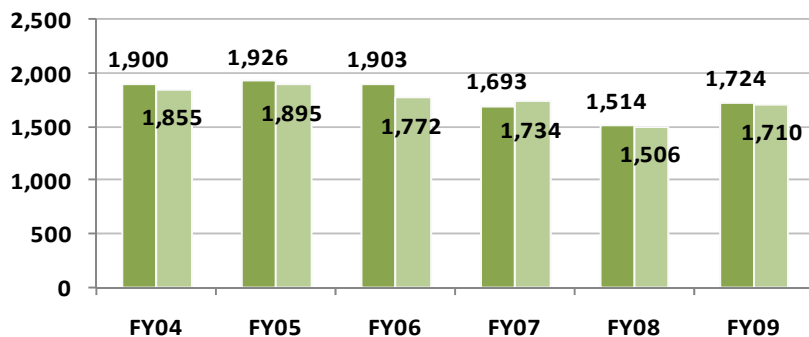
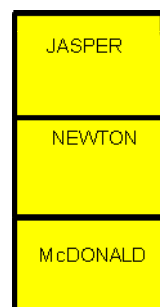
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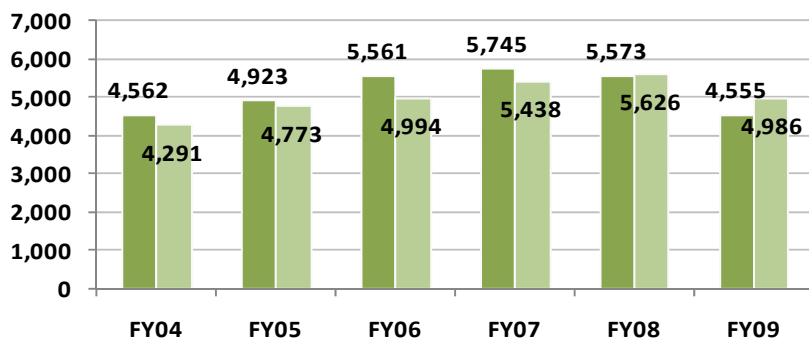
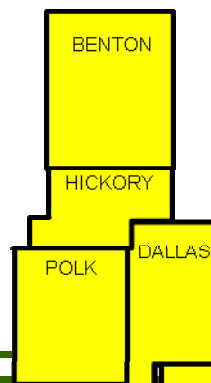
District 28—Nevada



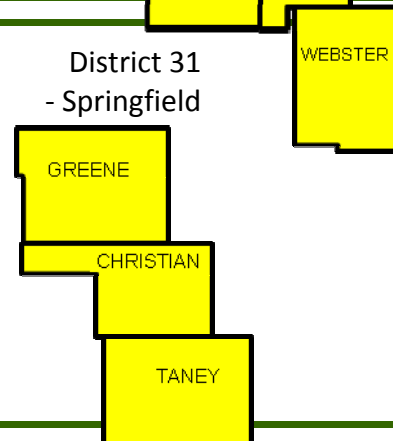
District 29—Carthage



District 30—Bolivar

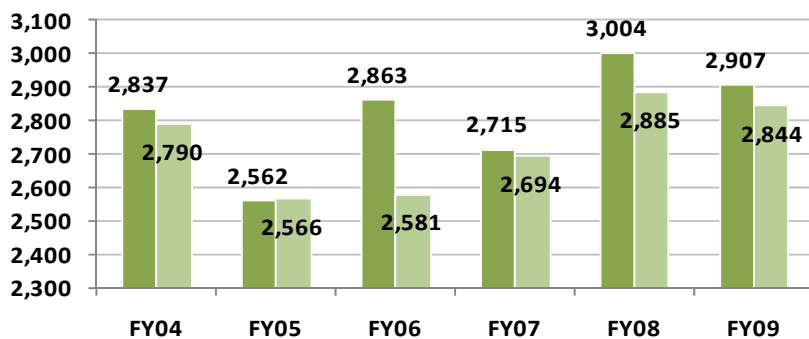


District 31
- Springfield

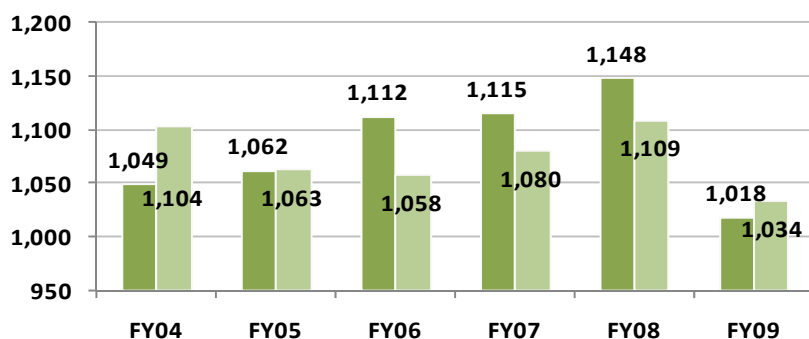
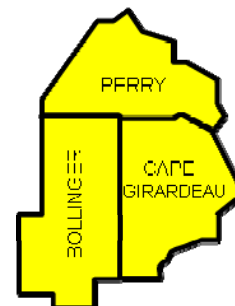


Cases Opened and Closed – By District Fiscal Year 2004 to Fiscal Year 2009

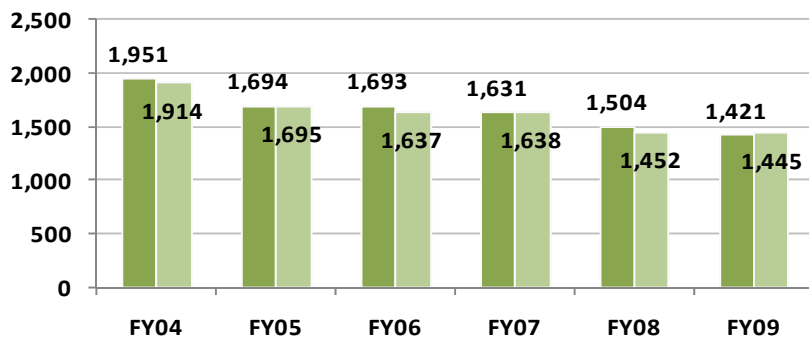
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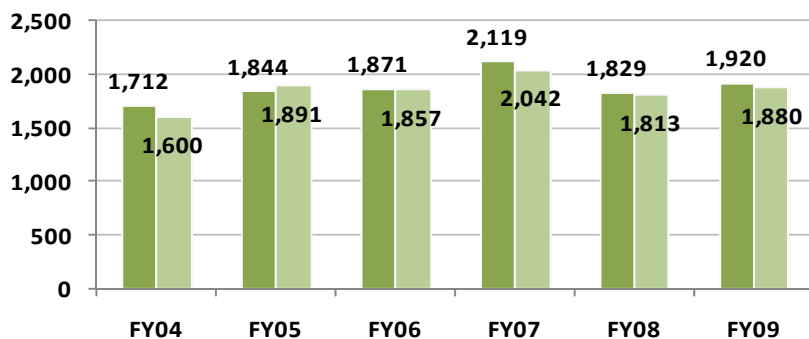
District 32—Cape Girardeau



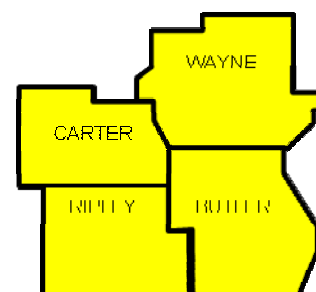
District 34—Caruthersville



District 35—Kennett

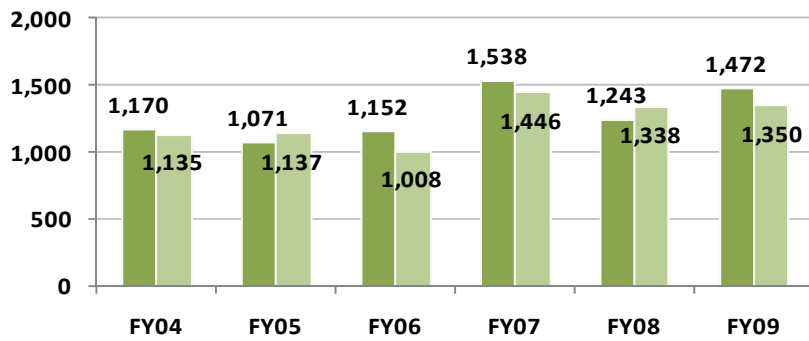


District 36—Poplar Bluff

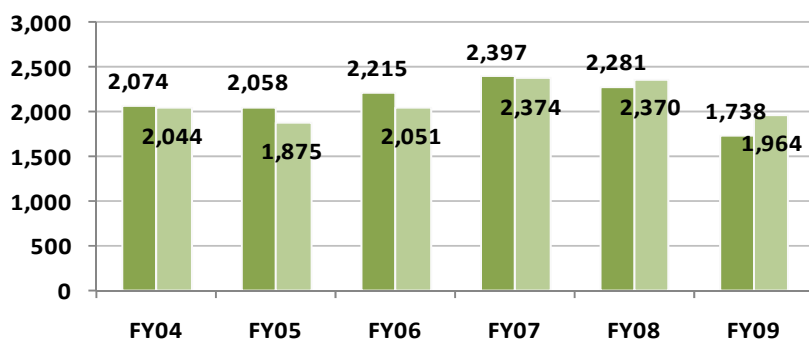
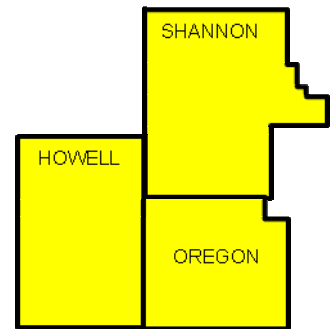


Cases Opened and Closed – By District Fiscal Year 2004 to Fiscal Year 2009

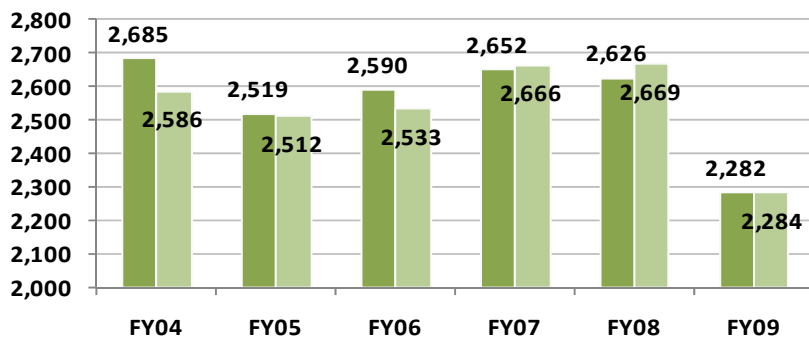
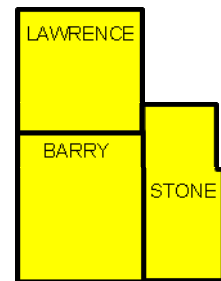
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 Closed



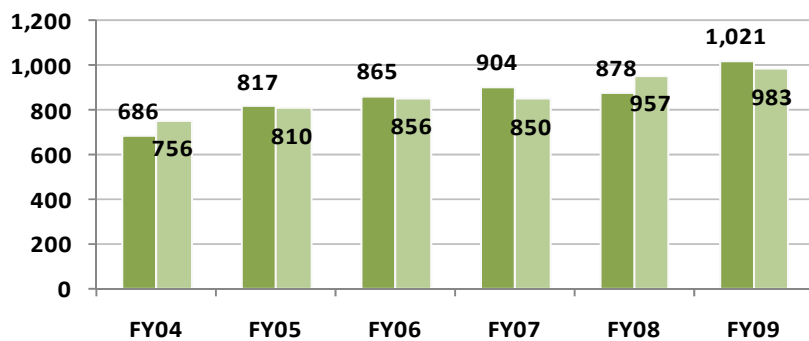
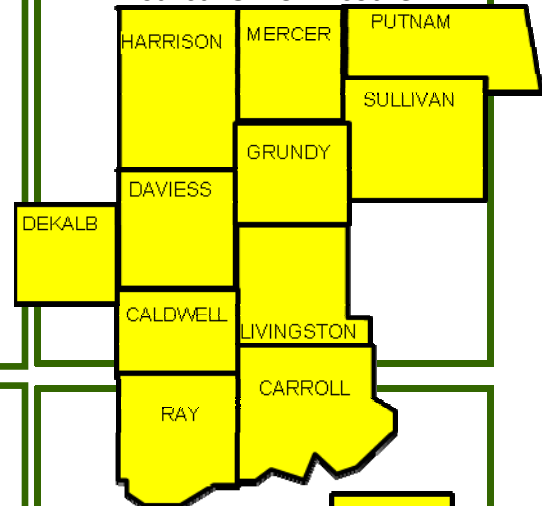
District 37—West Plains



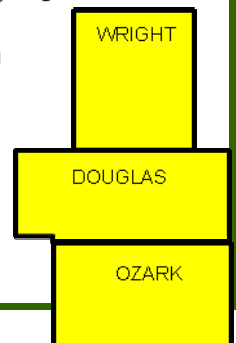
District 39—Monett



District 43—Chillicothe

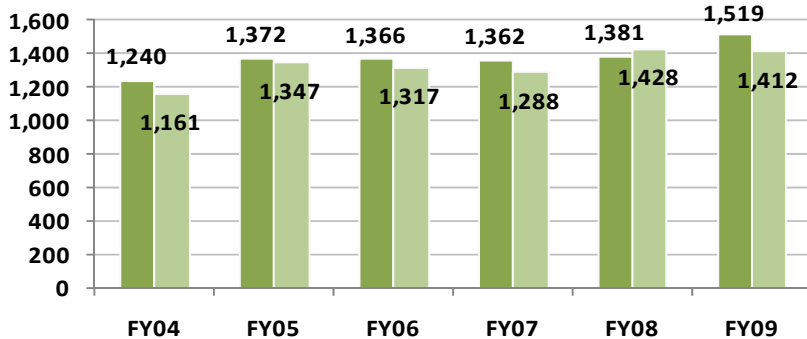


District 44—Ava

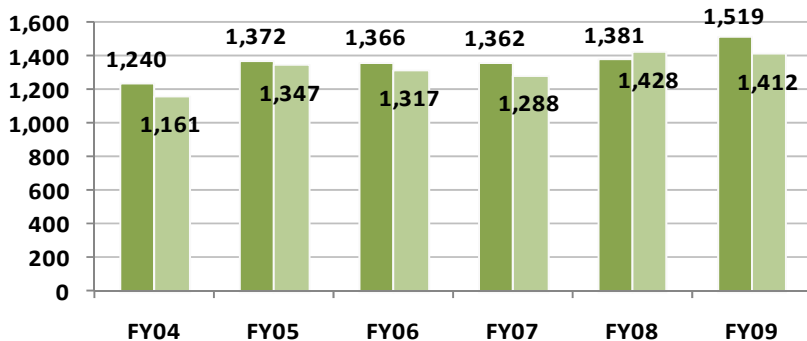
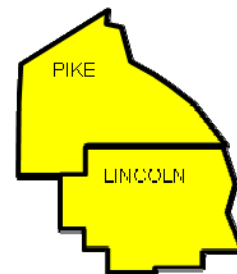


Cases Opened and Closed – By District Fiscal Year 2004 to Fiscal Year 2009

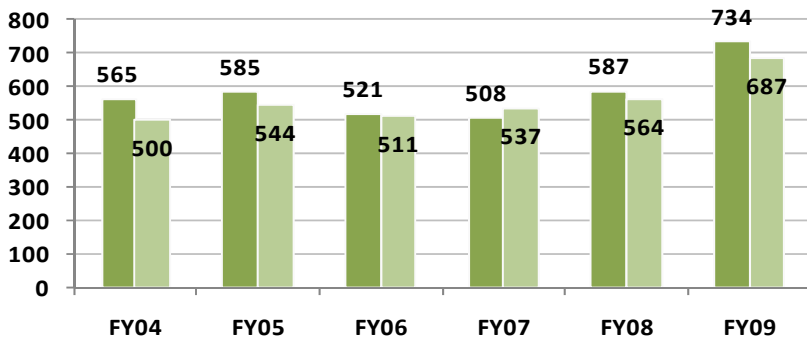
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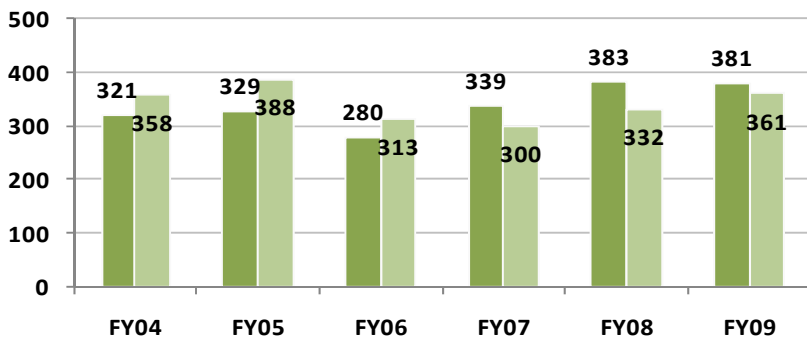
District 45—Troy



Districts 50 & 67
Columbia Appellate



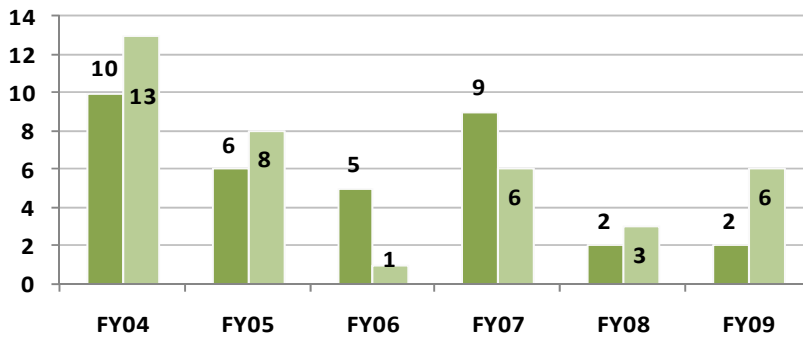
Districts 51 & 68
St. Louis Appellate



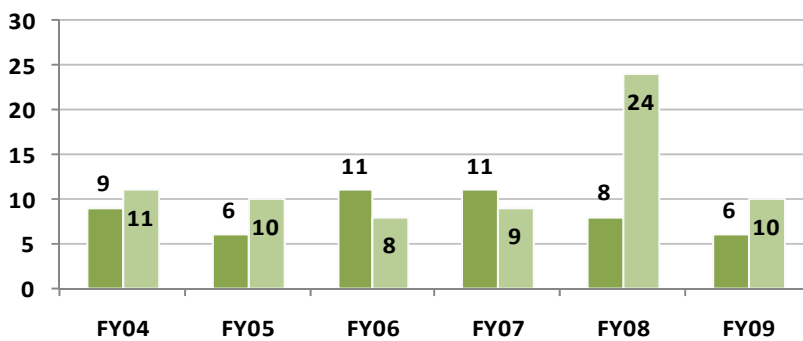
Districts 52 & 69
Kansas City Appellate

Cases Opened and Closed – By District Fiscal Year 2004 to Fiscal Year 2009

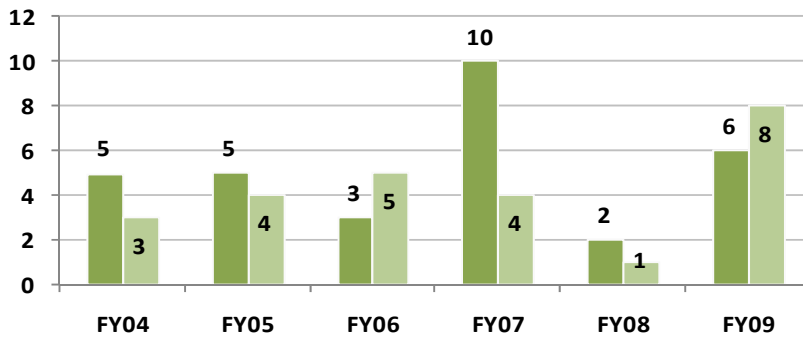
Opened Closed



District 53
Columbia Capital



District 54
St. Louis Capital



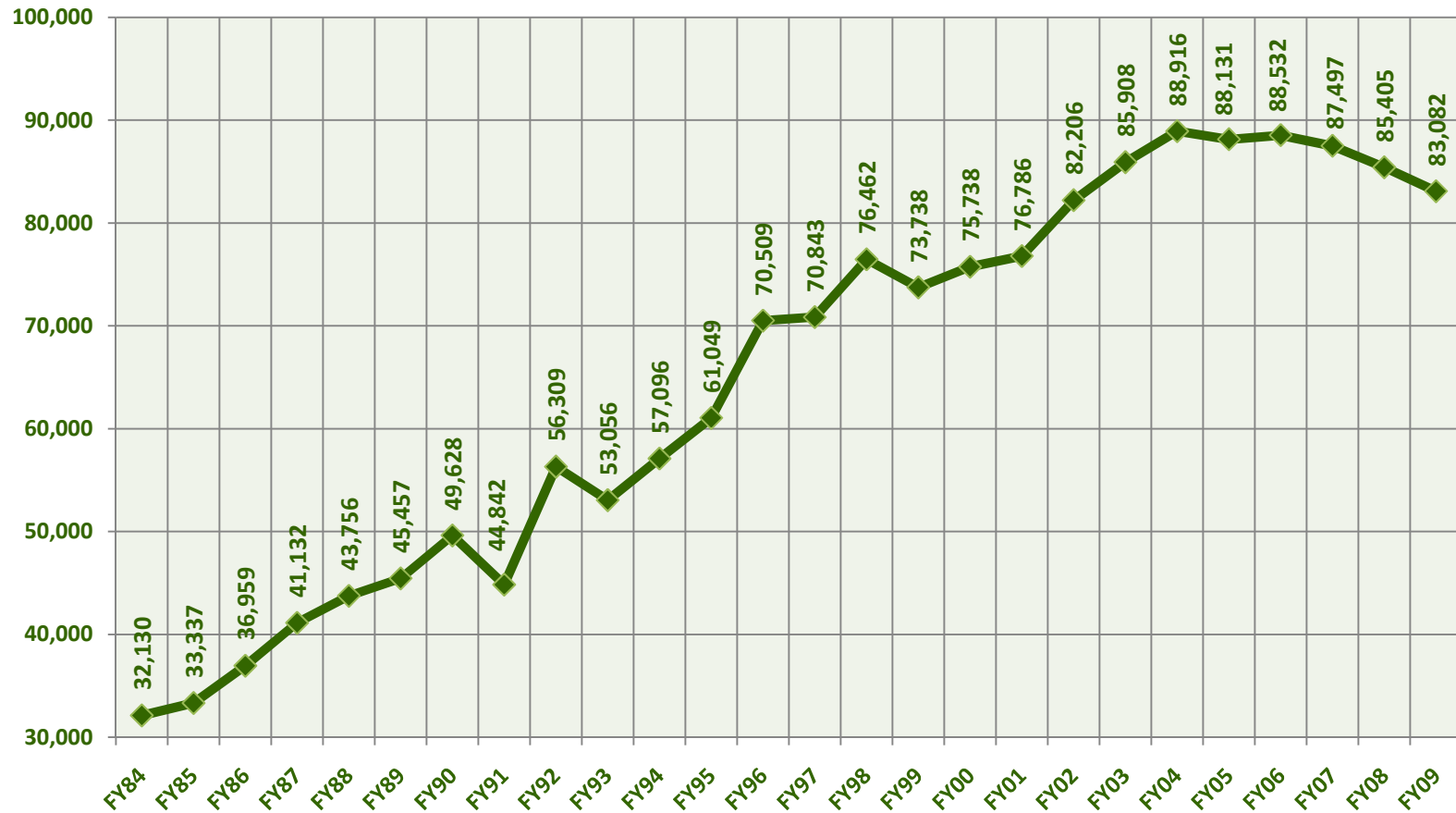
District 55
Kansas City Capital

Missouri State Public Defender System

Cases Assigned by Case Type

	Murder 1st	Other Homicide	Felony	Murder + Felony Caseload	Misdemeanor	Juvenile	PCR	Other	Probation Violation	Appeals	Total Opened	Total Closed	Closed to Open Ratio
FY11 PROJECTION	121	209	35,566	35,896	27,647	2,502	1,440	194	22,935	974	91,588	88,443	0.9657
FY10 PROJECTION	121	194	34,376	34,691	26,385	2,508	1,349	188	21,158	935	87,214	85,007	0.9747
FY09 ACTUAL	121	180	33,226	33,527	25,181	2,513	1,264	181	19,518	898	83,082	81,704	0.9834
FY08 ACTUAL	158	154	34,766	35,078	26,098	2,715	1,061	182	19,555	716	85,405	85,116	0.9966
FY07 ACTUAL	174	161	35,109	35,444	27,816	3,380	828	129	19,157	743	87,497	85,133	0.9730
FY06 ACTUAL	138	146	35,339	35,623	28,227	3,676	838	46	19,412	710	88,532	83,260	0.9405
FY05 ACTUAL	156	124	33,282	33,562	28,931	3,881	937	120	20,012	688	88,131	87,180	0.9892
FY04 ACTUAL	154	140	34,422	34,716	28,018	4,258	807	98	20,263	756	88,916	86,356	0.9712
FY03 ACTUAL	195	114	35,425	35,734	25,807	4,147	806	103	18,479	832	85,908	81,059	0.9436
FY02 ACTUAL	163	132	33,183	33,478	25,147	3,918	802	64	18,047	750	82,206	77,165	0.9387
FY01 ACTUAL	182	125	29,934	30,241	22,903	4,488	711	82	17,663	698	76,786	73,438	0.9564
FY00 ACTUAL	147	109	28,019	28,275	24,119	4,998	763	76	16,768	739	75,738	69,591	0.9188
FY99 ACTUAL	182	108	28,892	29,182	23,721	4,629	797	112	14,488	809	73,738	74,570	1.0113
FY98 ACTUAL	196	87	31,591	31,874	24,676	4,270	674	138	14,141	689	76,462	74,495	0.9743
FY97 ACTUAL	169	79	29,663	29,911	21,912	4,075	513	156	13,437	839	70,843	67,870	0.9580
FY96 ACTUAL	175	88	30,198	30,461	23,069	3,612	707	178	11,444	1,038	70,509	70,664	1.0022
FY95 ACTUAL	256	109	27,688	28,053	17,696	3,916	719	165	9,362	1,138	61,049	61,710	1.0108
FY94 ACTUAL	255	152	25,338	25,745	17,852	3,374	682	201	8,225	1,017	57,096	52,453	0.9187
FY93 ACTUAL	301	136	24,402	24,839	15,883	3,146	766	249	7,301	872	53,056	52,363	0.9869
FY92 ACTUAL	282	37	25,458	25,777	19,974	3,372	1,129	167	5,321	569	56,309	55,651	0.9883
FY91 ACTUAL	193	63	21,304	21,560	13,941	2,713	588	169	5,051	820	44,842	49,038	1.0936
FY90 ACTUAL	227	109	23,336	23,672	14,627	3,300	732	369	5,834	1,094	49,628	46,425	0.9355
FY89 ACTUAL	193	149	20,838	21,180	12,902	3,298	1,342	418	5,074	1,243	45,457	42,532	0.9357
FY88 ACTUAL	202	161	20,640	21,003	12,427	3,455	1,006	470	4,475	920	43,756	40,117	0.9168
FY87 ACTUAL	199	145	19,254	19,598	11,736	3,564	755	443	4,308	728	41,132	37,081	0.9015
FY86 ACTUAL	166	175	17,042	17,383	10,602	3,328	612	611	3,815	608	36,959	34,491	0.9332
FY85 ACTUAL	152	172	15,397	15,721	9,126	3,500	543	522	3,293	632	33,337	32,410	0.9722
FY84 ACTUAL	176	175	15,048	15,399	9,256	3,058	534	499	2,878	506	32,130	31,730	0.9876

Public Defender Caseload Analysis



FISCAL YEAR 2009
TRIAL DIVISION ASSIGNED CASES
BY CHARGE CODE

Charge Code	Description	Total	A-B Felonies	C-D Felonies	Misd	Traffic	Juv	PV	Other
001.000	Probation Violation	19,414		2	3			19,407	2
001.100	Juvenile	338					336		2
001.110	Juvenile Injurious Behavior	38					37		1
001.115	Juvenile Review Hearing	53					53		
001.120	Juvenile PV Only	240			1		239		
001.125	Juvenile Status	43					43		
001.130	Juvenile Misdemeanor	151			1		150		
001.135	Juvenile Felony C-D (Cert.)	6					6		
001.140	Juvenile Felony A-B (Cert.)	68					68		
001.145	Juvenile Felony C-D	349		1			348		
001.150	Juvenile Felony A-B	77		1			76		
001.155	Juvenile Murder 1st/2nd (Cert.)	5					5		
001.160	Juvenile Homicide (Cert)	0							
001.165	Juvenile Homicide	2					2		
043.170	Failure to stop for Hwy Patrol	2			1	1			
064.295	Zoning Violations	0							
070.441	Violating Rules/Regulations of Rapid Transit	2				2			
115.631	Election Offense Class I	0							
142.830	Operating as Interstate Motor Fuel user	5			5				
143.221	Failure to Pay Withholding	2		2					
143.931	Failure to file MO tax return	0							
143.941	False statement of tax return	3	2	1					
144.083	Retail Sales w/o a license	0							
144.480	Failure to pay state sales tax	5		5					
167.031	Compulsory school attendance MC	27			27				
167.061	Educational neglect	0							
190.308	Misuse of 911 phone service	14			14				
191.677	Risk of infecting another w/HIV FD	5	5						
191.905	Abuse of a Person Receiving Health Care	0							
192.490	Violation of a law or regulation, Misdemeanor	0							
194.410	Disturbing human burial site	0							
194.425	Abandonment of a corpse	0							
195.130	Maintaining a public nuisance	20		20					
195.202	Drug Possession	5,993	17	4,571	1,342	12	49		2
195.203	Possession Under 35 Grams	179	1		176		2		
195.204	Fraudulent attempt to obtain cont. sub.	145		145					
195.211	Distribution/delivery/manufacture FA/B/C	2,162	2,050	100			12		
195.212	Unlawful distribution to minor	10	9				1		
195.213	Unlawful purchase or transport with a minor	2	2						
195.214	Dist. drugs within 1000 ft of a school FA	89	80				9		
195.218	Dist. drugs within 1000 ft of public housing	36	36						
195.219	Unlawful Endangerment of Property	0							
195.222	Drug trafficking First Degree	51	51						
195.223	Drug trafficking Second Degree	338	329	5			4		
195.226	Furnishing materials for producing cont. sub.	4		4					
195.233	Use of drug paraphernalia MA	658	4	45	594	8	7		
195.235	Delivery or manufacture of drug paraphernalia	29		29					
195.241	Possession of an imitation drug	8			6		2		
195.242	Delivery or manufacture of an imitation drug	25		24			1		
195.246	Possession of ephedrine	111		106	5				
195.252	Fail to Keep Records of Controlled Substance	0							
195.254	Delivery by manufacturer or distributor	0							
195.291	Persistent drug offender	3	3						
195.410	Possession of chemicals for meth.	0							

Charge Code	Description	Total	A-B Felonies	C-D Felonies	Misd	Traffic	Juv	PV	Other
195.417	Over the Counter sale of Meth Precursor	45			45				
195.420	Creation of a controlled substance	203	2	201					
198.015	Operating Residential Care Facility w/o License	1		1					
198.158	Misuse of Medicaid in Operating Nursing Home	1		1					
198.097	Misappropriation of Funds of Elderly	1		1					
205.967	Unlawfully obtaining Public Assistance	5		5					
210.165	Filing a False Report of Child Abuse or Neglect	7			7				
211.031	Exclusive jurisdiction of juvenile court	26			1		25		
211.431	17 years of age or older violates provision of 211	5			5				
214.131	Vandalizing Private Cemetery	0							
217.360	Possession of cont. substance/weapon-corr. facility	100	21	63	15		1		
217.365	Possession of contraband in penal Institution	0							
217.385	Committing Violence	64	60	4					
217.490	Multi-State Agreement on Detainers	0							
221.111	Delivering/possessing prohibited articles in jail	104	6	58	40				
221.353	Damage to jail property FD	59		59					
229.479	Possession for sale or collection plants from Co.	0							
252.040	Pursuing/taking wildlife	53			52	1			
252.045	Operation of MV on conservation property	4			4				
252.060	Failure to Display a Fishing License	0							
252.230	Violation of the State Wildlife Statutes Law	2			2				
260.212	Criminal disposition of solid waste	8		7	1				
260.270	Unlawful disposal of tires by burning	0							
269.020	Failure to dispose of dead animal carcass	0							
273.329	Operating Animal Shelter w/o a license	1			1				
287.128	Workers compensation fraud/MA	1		1					
288.380	Illegal unemployment compensation	0							
301.020	Failure to register	238			7	231			
301.130	Failure to display valid plates	153			5	148			
301.140	Displaying plates of another	66			2	64			
301.142	Fraud application handicapped plate/hangtag	1				1			
301.218	Conducting Salvage Business w/o License	1				1			
301.277	Failure to register non-resident vehicle	3				3			
301.320	Displaying another states plates	8				8			
301.330	Fail to display ident info on commercial veh	2				2			
301.390	Sale of vehicle with altered VIN	4		4					
301.400	Removing/defacing manufacturer numbers FC	2		2					
301.420	False Statement on Registration Application	0							
301.560	Inappropriate Vessel Trailer Plates	0							
301.705	Operating ATV on Private Property	0							
301.707	Failure to register an all-terrain vehicle	0							
302.020	Operating MV without a valid license	571		86	36	447	2		
302.175	Failure to Comply with Restricted Driver's License	0							
302.200	Operating MV w/out new license after revoked	20				20			
302.220	Possession of altered driver's license	5			2	3			
302.230	Making false stmt to obtain driver's license M	4			2	2			
302.233	Committing Fraud to Obtain Driver's license MA	0							
302.260	Unlicensed person operating motor vehicle	2				2			
302.321	Driving while suspended or revoked	5,413	1	627	294	4,490			1
302.340	Prohibited Use of a License	0							
302.725	Driving w/o commercial driver's license	2			1	1			
302.727	Driving Commercial Vehicle while Disqualified	3		1		2			
302.780	Driving commercial vehicle under influence	1				1			
303.025	Operating MV w/out financial responsibility	545			24	521			
303.178	Knowingly Displaying Invalid Liability Insurance	0							
303.330	Refuse surrender drivers license	1				1			
303.370	Driving while revoked or suspended for 303.025	119			10	109			
304.000	Traffic	156				156			

Charge Code	Description	Total	A-B Felonies	C-D Felonies	Misd	Traffic	Juv	PV	Other
304.010	Speeding	327			7	320			
304.011	Maintain Speed < 40 mph on Interstate	3				3			
304.012	Careless and imprudent driving	291			16	274	1		
304.013	Operating ATV's illegally	13				13			
304.015	Failure to drive on right side of the road	224		1	9	214			
304.016	Violation of passing regulation	13			3	10			
304.017	Following too closely	22			2	20			
304.019	Failure to signal	35			3	32			
304.022	Failure to yield to emergency vehicle	40		1	2	37			
304.035	Failure to stop at Railroad Crossing	0							
304.050	Failure to stop for a school bus	4				4			
304.130	Exceed Posted Speed Limit - 1st Class County	7				7			
304.180	Gross Weight Exceed 80,000 lbs	2				2			
304.220	Weight Limit Violation	0							
304.271	Failure to stop at stop sign	22				22			
304.281	Failure to stop at signal or crosswalk	13			1	12			
304.301	Failure to Stop For Flashing Red Signal	1				1			
304.341	Turns at intersection violation penalty	7			1	6			
304.351	Failure to yield right-of-way	47			1	46			
304.665	Juvenile in bed of truck	0							
306.111	Neg. operation vessel/intoxicated/manslaughter	6			4	2			
306.125	Failure to Exercise Degree of Care of Watercraft	0							
307.010	Failed to Cover or Secure Vehicle Load	0							
307.045	Faulty headlights	5				5			
307.165	Failed to Equip Pass. Veh w/ 2 sets of belts	0							
307.172	Operated Vehicle w/o proper bumpers	2				2			
307.173	Vision reducing material applied to windows	13			2	11			
307.179	Failure to secure child < 8 y/o in car seat	14				14			
307.182	Driver Failed to Restrain Child in Booster	0							
307.198	Operating ATV on Highway w/o Head/Tail Lamps	2				2			
307.400	Operating commercial vehicle without service	16			4	12			
311.050	Sale of Intoxicating Liquor w/o a License	0							
311.310	Supplying liquor to a minor	64			53	10			1
311.320	Misrepresentation of Age by Minor	0							
311.325	Being Visibly Intoxicated	315			284	27	4		
311.325	Possession of liquor by a minor	132			123	5	4		
311.328	Altering operator's license or ID card	0							
311.329	Possessing altered operator's license or ID card	1			1				
311.550	Sale of liquor without a license	1		1					
311.880	Sale of alcohol to minor	3		1	2				
312.405	Misrepresentation of age by minor to obtain beer	0							
312.407	Possess of non-intoxicating liquor by minor	3			3				
313.813	Trepassing on a Gambling Boat	5			5				
313.817	Presenting false ID to enter gaming est.	5			4	1			
313.830	Cheating a gambling game	6		6					
320.151	Sale of Fireworks to a minor	0							
324.635	Knowingly Falsifying Fingerprints	0							
335.086	Use of Fradulent Credentials	0							
338.195	Violation of Pharmacy Law by non-licensed person	1		1					
367.045	Failure to repay pawnbroker MB	0							
375.991	Fraudulent Act	2		2					
389.653	Trespass on railroad property	1			1				
390.063	Operating Motor Vehicle w/ Defective Equipment	1				1			
407.536	Odometer fraud FD	1		1					
409.501	Securites Fraud	0							
429.014	Lien Fraud - Over \$500	1		1					
454.440	Failing to complete an information statement	5			5				
455.085	Violation of a protective order	590		36	552	2			

Charge Code	Description	Total	A-B Felonies	C-D Felonies	Misd	Traffic	Juv	PV	Other
455.538	Violation of an order of child protection	7			7				
468.350	As owner operator/auth another to op	0							
476.110	Criminal contempt of court	15			15				
542.400	Illegal wire tapping	0							
544.665	Failure to appear	64	9	27	26	1	1		
548.131	Fugitive from justice	38	13	22	2				1
548.141	Fugitive from Out of State	138	28	105					5
557.035	Hate crime C/D Fel	6		6					
557.036	Persistent offender	1							1
558.016	Persistent misdemeanor offender	0							
562.036	Possessing controlled substance w/intent to dist.	1	1						
564.011	Attempt to commit an offense	160	53	86	7		13		1
564.016	Conspiracy FB	19	7	9			3		
565.020	Murder 1st FA	121	115				1		5
565.021	Murder 2nd FA	158	155				1		2
565.023	Voluntary manslaughter FB	1	1						
565.024	Involuntary manslaughter FC	32	18	14					
565.050	Assault 1st FA/B	520	493	7	1		12		7
565.060	Assault 2nd	735	6	675	1		50		3
565.070	Assault 3rd MA/C	1,372		7	1,242	2	119		2
565.072	Domestic Assault 1st FC	148	145	2	1				
565.073	Domestic Assault 2nd FC	1,284	10	1,267	5		2		
565.074	Domestic Assault 3rd FC	1,754	1	49	1,684	5	15		
565.075	Assault on school property - FD	45		20	1		24		
565.081	Assault law enforcement officer FA	56	50	1			3		2
565.082	Assault law enforcement officer	230	52	170	3		5		
565.083	Assault law enforcement officer 3rd MA	237			230		7		
565.084	Tampering with a judicial officer	8		8					
565.085	Crime of endangering a corrections employee	32		30	2				
565.090	Harassment MA	192		3	187	1	1		
565.092	Aggravated harassment	0							
565.100	Tampering with evidence	0							
565.110	Kidnapping FA/B	55	55						
565.115	Child Kidnapping - Class A Felony	13	13						
565.120	Felonious restraint FC	36		33			3		
565.130	False imprisonment MA/FD	15		2	13				
565.150	Interfering with Custody	14		5	9				
565.153	Parental Kidnapping	8		8					
565.156	Child abduction	4		4					
565.165	Assisting in child abduction or kidnapping	0							
565.180	Elder abuse - 1st degree	2	2						
565.182	Elder abuse - 2nd degree	7	6		1				
565.184	Elder abuse - 3rd degree	9			9				
565.214	Abuse of a Vulnerable Person - 3rd degree	1			1				
565.225	Aggravated stalking	61		43	17	1			
565.252	Invasion of Privacy - 1st FC	0							
565.253	Invasion of privacy	8		2	5		1		
566.030	Rape FA/B	157	148	5			4		
566.032	Statutory rape FD	143	133	5			5		
566.034	Statutory rape SD	107	6	100			1		
566.040	Sexual assault 1st FA/B	33		28			5		
566.050	Sexual assault 2nd FC/D	0							
566.060	Sodomy FA/B	61	53	5	1		2		
566.062	Statutory sodomy 1st Dgr	244	213	4			26		1
566.064	Statutory sodomy 2nd Dgr	44		42			2		
566.067	Child molestation 1st Dgr	146	139				7		
566.068	Child molestation 2nd Dgr	47		4	38		5		
566.070	Deviate sexual assault 1st FB/C	32	1	22			8		1

Charge Code	Description	Total	A-B Felonies	C-D Felonies	Misd	Traffic	Juv	PV	Other
566.080	Deviate sexual assault 2nd FC/D	0							
566.083	Sexual misconduct involving a child	34		33			1		
566.090	Sexual misconduct MA	61		4	41		16		
566.093	Sexual misconduct 2nd Dgr	50			49		1		
566.095	Sexual misconduct 3rd Dgr	17			16		1		
566.100	Sexual abuse 1st FC/D	8	3	5					
566.110	Sexual abuse 2nd MA/FD	0							
566.111	Unlawful Sex w/ an Animal	0							
566.120	Sexual abuse 3rd MA	0							
566.130	Indecent exposure MA	0							
566.145	Sexual Contact w/ inmate	1		1					
566.147	Establish residence w/in 1000 ft of child care	20	1	19					
566.149	Offender of 566.149 loitering 500 ft of School	1			1				
566.151	Attempted Enticement of a Child	17	7	10					
566.212	Sexual Trafficking of a Child	0							
566.625	Failure to register as a sex offender	1		1					
567.020	Prostitution MB	11		1	10				
567.030	Patronizing prostitution MB	4		1	3				
567.050	Promoting prostitution 1st FB	1	1						
567.060	Promoting prostitution 2nd FC	0							
567.070	Promoting prostitution 3rd FD	0							
568.010	Bigamy MA	2			2				
568.020	Incest FD	16		9			7		
568.030	Abandonment of a child 1st FB	0							
568.032	Abandonment of a child 2nd FD	0							
568.040	Criminal nonsupport MA/FD	3,071	1	2,084	985	1			
568.045	Endangering welfare of a child 1st Dgr	260	1	259					
568.050	Endangering welfare of a child MA	283	2	8	273				
568.060	Abuse of a child FB/C	135	7	128					
568.070	Unlawful transactions with a child MB	2			2				
568.175	Trafficking/Children	0							
568.080	Using a child in a sexual performance FB/C	0							
568.090	Promoting sexual performance by a child FC	0							
568.110	Processor failure to report MB	0							
568.175	Trafficking in children FC	0							
569.020	Robbery 1st FA	682	657	4	2		17		2
569.025	Pharmacy robbery 1st FA	1	1						
569.030	Robbery 2nd FB	365	321	15			27		2
569.035	Pharmacy Robbery 2nd degree	2	2						
569.040	Arson 1st FB	43	38	2			3		
569.050	Arson 2nd FC	57		51			5		1
569.055	Knowingly burning or exploding FD	28		26			1		1
569.060	Reckless burning or exploding MA	1			1				
569.065	Negligent burning or exploding MB	4			4				
569.070	Catastrophe FA	0							
569.080	Tampering 1st FC	1,506	4	1,438		1	63		
569.085	Unlawful endangerment of property FC	0							
569.090	Tampering 2nd MA/FD	185		13	153	2	17		
569.095	Tampering with intellectual property MA/FD	1			1				
569.097	Tampering with computer equipment FC/D	0							
569.099	Tampering with computer users MA/FD	0							
569.100	Property damage 1st FD	298		279	3		16		
569.120	Property damage 2nd MB	444		1	405	1	37		
569.140	Trespass 1st MB	521		3	499		19		
569.150	Trespass SD	29			25		4		
569.155	Trespass of a school bus	0							
569.160	Burglary 1st FB	885	817	37			31		
569.170	Burglary 2nd FC	2,641	4	2,506	4		127		

Charge Code	Description	Total	A-B Felonies	C-D Felonies	Misd	Traffic	Juv	PV	Other
569.180	Possession of burglar's tools FD	20		20					
570.030	Stealing FC/MA	4,882	47	2,857	1,828	2	146		2
570.030.4	Theft of anhydrous ammonia	22	22						
570.033	Stealing animals	10		10					
570.040	Stealing 3rd Offense FC	18		18					
570.055	Steal wire/electrical transformer etc	12		12					
570.080	Receiving stolen property MA/FC	696	2	502	182		9		1
570.085	Alteration or removal of item numbers FD/MB	2		1	1				
570.090	Forgery FC	1,571	1	1,565	3		2		
570.100	Possession of a forgery instrumentality FC	4		4					
570.103	Counterfeiting 1000 or more	1			1				
570.110	Issuing a false instrument or certificate MA	0							
570.120	Passing bad check MA/FD	3,266		1,363	1,898	4	1		
570.125	Fraudulent stop payment on an instrument MA/FD	21		11	10				
570.130	Fraudulent use of a credit device MA/FD	267		135	130	1	1		
570.135	Fraudulent procurement of a credit/debit device	0							
570.140	Deceptive business practices	0							
570.145	Financial exploitation of elderly or disabled	26	18	8					
570.150	Commercial bribery MA	0							
570.155	Sports bribery FEL/MIS	0							
570.160	False advertising MA	0							
570.180	Defrauding secured creditors MA/FD	5		4	1				
570.190	Telephone service fraud MA	0							
570.210	Library theft FC/MC	2			2				
570.217	Misapplication of funds of financial institution FC/D	0							
570.220	Check kiting FC	3		3					
570.223	Identity Theft	82	10	43	29				
570.224	Trafficking in Stolen Identities Felony B	6	6						
570.230	Selling unauthorized recordings	0							
570.300	Theft of cable television service FA/MC	1			1				
571.015	Armed criminal action	60	54	5			1		
571.020	Possess/transport/sale of certain weapons FC/MA	60		25	30		5		
571.030	Unlawful use of weapons FD/MB	914	67	788	9		46		4
571.045	Defacing firearm MA	1			1				
571.050	Possession of a defaced firearm MB	8			7		1		
571.060	Unlawful transfer of weapons FD/MA	0							
571.070	Possession of a concealable firearm FC	136		136					
571.080	Transfer of concealable firearms w/out permit MA	1					1		
571.090	Permit to acquire concealable weapons MA	0							
571.150	Use or possession of metal-penetrating bullet FB	0							
572.020	Gambling MB	3			3				
572.030	Promoting Gambling FD	0							
572.050	Possession of gambling records 1st FD	0							
572.060	Possession of gambling records 2nd MA	0							
572.070	Possession of a gambling device MA	0							
572.080	Lottery offenses	0							
573.020	Promoting obscenity 1st FD	2		1			1		
573.023	Sexual Exploitation of a Minor	10	10						
573.025	Promoting Child Pornography 1st FB	5	5						
573.030	Promoting Pornography 2nd MA	0							
573.035	Promoting child pornography 2nd FD	1		1					
573.037	Possession of child pornography	27	11	15			1		
573.040	Furnishing pornographic material to a minor MA	4			3		1		
573.060	Public display of explicit sexual material MA	0							
573.065	Coercing acceptance of obscene materials	0							
574.010	Peace disturbance	157			137		20		
574.020	Private peace disturbance MC	7			3		4		
574.040	Unlawful assembly MB	0							

Charge Code	Description	Total	A-B Felonies	C-D Felonies	Misd	Traffic	Juv	PV	Other
574.050	Rioting MA	0							
574.060	Refusal to disperse MC	0							
574.070	Promoting civil disorder 1st FC	0							
574.075	Drunkenness or drinking in prohibited places M	7			7				
574.085	Burial desecration - Institutional Vandalism	5		4	1				
574.090	Ethnic intimidation FD	0							
574.093	Ethnic intimidation SD	0							
574.105	Money Laundering	0							
574.115	Making a terrorist threat	23		20			3		
575.020	Concealing an offense MA	0							
575.030	Hindering prosecution	58		45	13				
575.040	Perjury FA/B/C/D	7		7					
575.050	False affidavit MA/C	6			6				
575.060	False declarations MB	11			11				
575.080	False reports MB	71			71				
575.090	False bomb report D-fel	5		3			2		
575.100	Tampering with physical evidence	23		16	7				
575.110	Tampering with public records	0							
575.120	False impersonation	14			14				
575.145	Failed to Obey Sheriff's Deputy	10			10				
575.150	Resisting. Interference. w/Arrest. FD/MA	729	1	348	359	2	19		
575.160	Interference. w/Legal Process MB	3			3				
575.190	Refusal to ID as a witness	0							
575.195	Escape from commitment FD	3		3					
575.200	Escape/attempt escape from custody MA FA/D	32		23	9				
575.205	Tampering w/ electronic monitoring equip.	1					1		
575.210	Escape/attempt escape from confinement FA/C/D	25	2	19	2		2		
575.220	Failure to return to confinement MA/FC	12		2	10				
575.230	Aiding escape of a prisoner FB/D MA	7	3		4				
575.240	Permitting escape	0							
575.250	Disturbing judicial proceeding	0							
575.260	Tampering with judicial process	0							
575.270	Tampering with a witness FC/MA	56		43	13				
575.280	Official acceding to corruption	0							
575.290	Improper communication	0							
575.300	Juror misconduct	0							
575.310	Misconduct in selecting or summoning juror	0							
575.320	Misconduct in administration of justice	0							
575.350	Killing or Disabling a Police Animal	0							
576.010	Bribery of a public servant FD	2		2					
576.020	Public servant acceding to corruption FD	0							
576.030	Obstructing government operations MB	10			10				
576.040	Official misconduct MA	0							
576.050	Misuse of official information MA	0							
576.070	Treason FA	0							
577.005	Veicular manslaughter	0							
577.010	Driving while intoxicated MA/B FD	3,653	220	948	2,249	236			
577.012	Driving w/excessive blood alcohol content MA/C	14	2	3	9				
577.023	Driving while intoxicated Second MA, Third FD	10		3	7				
577.051	Failure to furnish M.U.L.E. records MC	0							
577.060	Leaving scene -motor vehicle accident MA/FD	380		219	135	25	1		
577.070	Littering MA	27			27				
577.073	Littering in state parks	0							
577.075	Release of Anhydrous Ammonia	1	1						
577.076	Littering with carcasses	0							
577.080	Abandoning motor vehicle MA	3			2	1			
577.100	Abandonment of airtight containers	0							
577.110	Operating MV while under 16 years of age	0							

Charge Code	Description	Total	A-B Felonies	C-D Felonies	Misd	Traffic	Juv	PV	Other
577.150	Corrupting or diverting water supply	0							
577.155	Prohibition of waste disposal wells	0							
577.600	Failure to use ordered ignition interlock device	1			1				
577.612	Tampering w/ igiton interlock device	0							
577.625	Distribution/Possess. of Prescription-Sch. Grounds	2			1		1		
578.009	Animal neglect MA	21			21				
578.012	Animal abuse	65		8	56		1		
578.025	Dog fighting MA/FD	0							
578.027	Dog baiting MA	0							
578.029	Knowingly/Intentionally Release an Animal	0							
578.050	Bull baiting and cockfighting MA	0							
578.150	Failure to return rented personal property MA/FD	156		103	53				
578.151	Interfere w/ Lawful Hunt	0							
578.154	Possession of Anhydrous Ammonia	12		12					
578.250	Inhaling/ inducing others to inhale fumes MB	25			25				
578.255	Induce or possess w/intent to induce intoxication	6			6				
578.260	Possess/purchase solvents to aid others MB	0							
578.265	Sell or Transfer Solvents	1		1					
578.305	Assault w/ intent to hijack bus	0							
578.365	Hazing	0							
578.377	Unlawful receipt of food stamps MA/FD	2		2					
578.379	Unlawful conversion of food stamps MA/FD	0							
578.381	Unlawful transfer of food stamps MA/FD	1			1				
578.395	Ticket scalping	0							
578.416	Crop Loss	0							
578.423	Knowingly participating in street gang activity MA	0							
578.425	Promoting or assisting gang conduct MA	0							
578.433	Maintaining public nuisance	0							
578.445	Possession tools to break into vending mach	0							
589.400	Registration of certain offenders with chief law	17	1	13	3				
589.414	Failure to register as a sex offender	18	1	13	4				
589.425	Failure to register penalty, subsequent	196	1	149	46				
589.426	Fail to comply w/Halloween restrict.-sex off	24			24				
999.998	Other	26							26
999.999	Witness Only	34							34

TRIAL DIVISION CASE DISPOSITIONS
FIVE FISCAL YEAR COMPARISON - FY2005 to FY2009
BY DISTRICT

District #	District Name	FY05 Cases Disposed	FY06 Cases Disposed	FY07 Cases Disposed	FY08 Cases Disposed	FY09 Cases Disposed	# Change 2005 to 2009	% Change 2005 to 2009
1	St. Louis Juvenile	797	682	710	195	CLOSED	-797	-100.00%
2	Kirksville	625	685	667	536	529	-96	-15.36%
4	Maryville	607	526	585	556	565	-42	-6.92%
5	St. Joseph	2,351	2,271	2,216	2,183	2,110	-241	-10.25%
6	Kansas City Juvenile	1,400	1,208	952	143	CLOSED	-1,400	-100.00%
7	Liberty	3,330	3,343	3,224	3,107	2,994	-336	-10.09%
10	Hannibal	1,691	1,483	1,608	1,466	1,413	-278	-16.44%
11	St. Charles	1,747	1,591	1,855	1,908	1,812	65	3.72%
12	Fulton	1,994	1,666	1,644	1,694	1,662	-332	-16.65%
13	Columbia	4,123	4,381	4,439	4,524	4,468	345	8.37%
14	Moberly	1,691	1,537	1,740	1,801	1,576	-115	-6.80%
15	Sedalia	1,871	1,977	1,813	1,852	1,744	-127	-6.79%
16	Kansas City	8,065	7,361	7,657	7,690	8,467	402	4.98%
17	Harrisonville	2,561	2,538	2,494	2,522	2,447	-114	-4.45%
19	Jefferson City *	1,177	1,129	1,459	2,214	2,109	932	79.18%
20	Union	1,530	1,432	1,349	1,470	1,577	47	3.07%
21	St. Louis County	3,746	3,684	3,859	3,761	3,696	-50	-1.33%
22	St. Louis City	7,794	6,203	6,020	6,467	7,145	-649	-8.33%
23	Hillsboro	2,297	1,828	1,880	1,816	1,562	-735	-32.00%
24	Farmington	2,305	2,202	2,123	2,255	2,071	-234	-10.15%
25	Rolla	3,314	3,564	3,480	3,649	3,192	-122	-3.68%
26	Lebanon *	2,775	2,733	2,344	1,753	1,845	-930	-33.51%
28	Nevada	1,351	1,236	1,216	1,323	1,267	-84	-6.22%
29	Carthage	4,095	4,137	4,093	3,899	3,686	-409	-9.99%
30	Bolivar	1,895	1,772	1,734	1,506	1,710	-185	-9.76%
31	Springfield	4,773	4,994	5,438	5,626	4,986	213	4.46%
32	Cape Girardeau	2,566	2,581	2,694	2,885	2,844	278	10.83%
34	Caruthersville	1,063	1,058	1,080	1,109	1,034	-29	-2.73%
35	Kennett	1,695	1,637	1,638	1,452	1,445	-250	-14.75%
36	Poplar Bluff	1,891	1,857	2,042	1,813	1,880	-11	-0.58%
37	West Plains	1,137	1,008	1,446	1,338	1,350	213	18.73%
39	Monett	1,875	2,051	2,374	2,370	1,964	89	4.75%
43	Chillicothe	2,512	2,533	2,666	2,669	2,284	-228	-9.08%
44	Ava	810	856	850	957	983	173	21.36%
45	Troy	1,347	1,317	1,288	1,428	1,412	65	4.83%
Total Trial Division Dispositions		84,801	81,061	82,677	81,937	79,829	-4,972	-6.13%

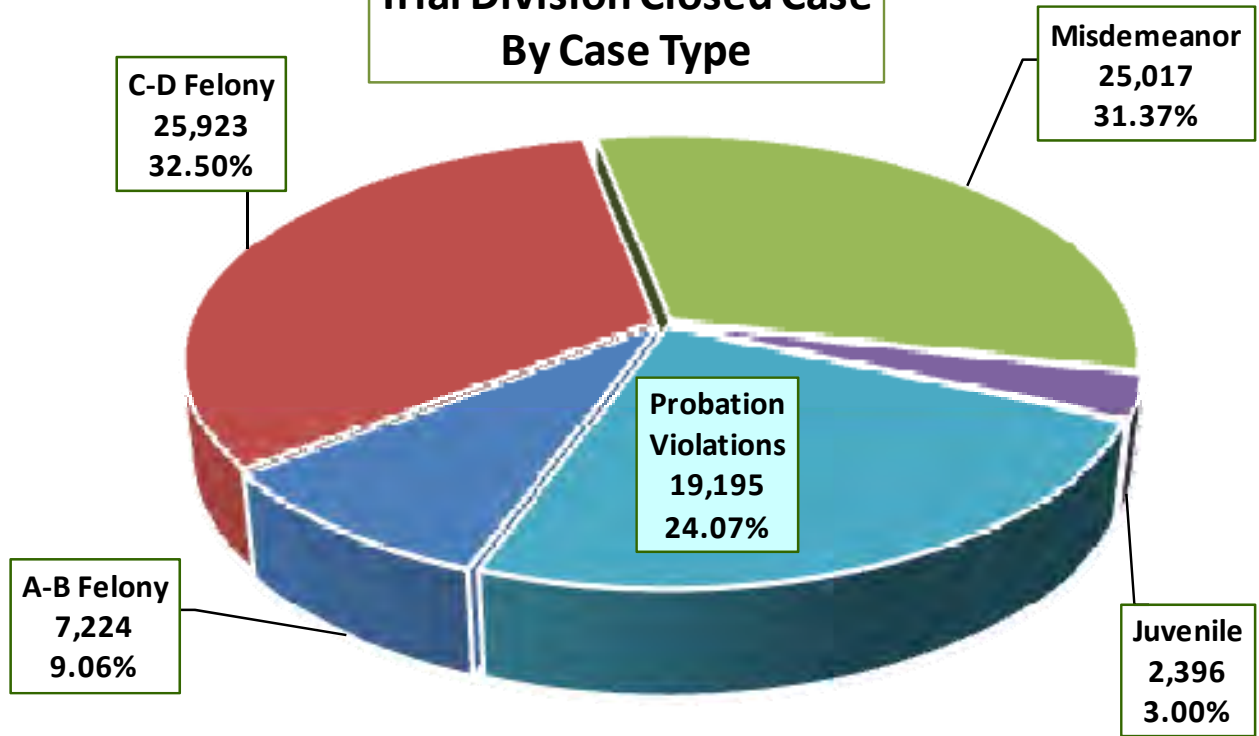
Notes: District 01 & District 06 were closed at the beginning of Fiscal Year 2008
District 19 & District 26 service areas were changed in Fiscal Year 2008

Cases Closed

The State Public Defender System's Trial Division closed 79,829 cases in Fiscal Year 2009.

Fiscal Year 2009 Trial Division Closed Cases by Case Type		
Type Code	Description	Cases Opened
10	Murder - Death Penalty	4
15	Homicide - Non Capital	112
20	Other Homicides	162
30D	A-B Felony - Drug	2,672
30F	A-B Felony - Other	3,546
30X	A-B Felony - Sex	728
35D	C-D Felony - Drug	5,494
35F	C-D Felony - Other	20,111
35X	C-D Felony - Sex	318
45M	Misdemeanor	17,351
45T	Misdemeanor - Traffic	7,666
50N	Juvenile Non-Violent	1,230
50S	Juvenile - Status	340
50V	Juvenile Violent	826
60	552 Release Petitions	23
65F	Probation Violation - Felony	13,627
65M	Probation Violation - Misd.	5,568
	Other	51
	Total Trial Division Cases Closed 2009	79,829

**Fiscal Year 2009
Trial Division Closed Case
By Case Type**



Case Activity

In addition to the number of cases, the disposition of those cases once in the court system has a dramatic impact on the workload of Missouri's Public Defenders. Although the smallest in number, cases going to trial place the highest demand on an attorney's time. Several hours of pretrial preparation, hearings and motions are required for each hour actually spent in trial. Many cases do not require a trial for disposition but are disposed of only after a court hearing before the judge. These cases can include juvenile hearings, probation revocation hearings and preliminary and motion hearings which also require considerable research and preparation before the actual court appearance.

Other dispositions, such as guilty pleas, dismissals and withdrawals, also place a crushing time burden on Missouri's Public Defenders. Some individual cases may require very little attorney time before the case is disposed of by plea or other disposition, while others require considerable preparation, investigation and negotiation before the case can be disposed of by plea or dismissal. In either event, the sheer volume of cases places an extreme demand on the time of Missouri Public Defenders and support staff.

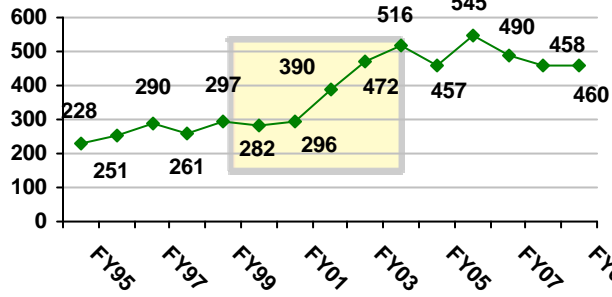
FY2009 - Trial Division Closed Cases By Disposition Type		
	Description	# of Cases
01	Withdrawn	5,553
02	Dismissed/Withdrawn	11,108
03	NGRI	14
04	Guilty Plea	38,246
05	Court Trial	315
06	Jury Trial	447
10	Juvenile Hearing	1,247
11	Certification Hearing	42
12	Juvenile Informal Disposition	258
16	PCR: Hearing	1
20	Chapter 552	17
25	Probation Violation Hearing	17,320
30	Preliminary Writ Granted	1
32	Preliminary Writ Denied	3
35	Appeal Decision	9
41	Conflict Transfer	2,482
42	Conflict Assignment	561
43	Contract Assignment	824
50	Capias Warrant > than 1 year	972
00	Unknown	<u>409</u>
	Total Trial Division Closed Cases	79,829

**Fiscal Year 2009
Trial Division
Opened and Closed by County**

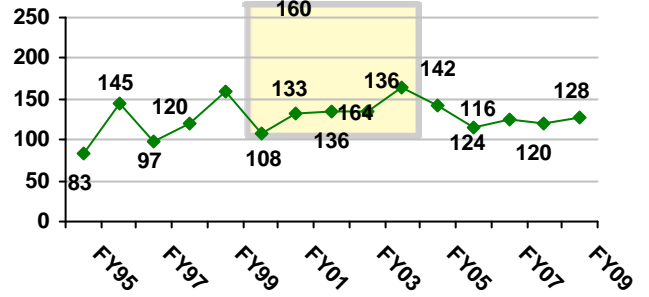
County	Opened	Closed	County	Opened	Closed	County	Opened	Closed
ADAIR	517	460	GREENE	2,696	3,079	OZARK	211	223
ANDREW	108	128	GRUNDY	193	166	PEMISCOT	488	483
ATCHISON	63	60	HARRISON	174	190	PERRY	249	260
AUDRAIN	824	831	HENRY	439	422	PETTIS	688	617
BARRY	448	504	HICKORY	207	205	PHELPS	1,291	1,388
BARTON	250	233	HOLT	85	90	PIKE	357	395
BATES	382	331	HOWARD	158	144	PLATTE	828	873
BENTON	322	312	HOWELL	1,008	931	POLK	435	413
BOLLINGER	92	88	IRON	295	307	PULASKI	526	482
BOONE	4,255	4,468	JACKSON	8,132	8,548	PUTNAM	96	94
BUCHANAN	2,377	2,183	JASPER	2,592	2,388	RALLS	156	144
BUTLER	1,185	1,141	JEFFERSON	1,655	1,603	RANDOLPH	669	667
CALDWELL	253	252	JOHNSON	738	673	RAY	412	401
CALLAWAY	714	655	KNOX	27	29	REYNOLDS	53	54
CAMDEN	683	639	LACLEDE	798	791	RIPLEY	290	265
CAPE GIRARDEAU	1,366	1,336	LAFAYETTE	602	625	SALINE	326	339
CARROLL	173	178	LAWRENCE	524	627	SCHUYLER	29	34
CARTER	191	192	LEWIS	136	141	SCOTLAND	47	33
CASS	948	915	LINCOLN	1,153	1,011	SCOTT	763	783
CEDAR	279	266	LINN	305	281	SHANNON	280	234
CHARITON	119	124	LIVINGSTON	514	531	SHELBY	122	112
CHRISTIAN	845	903	MACON	282	300	ST. CHARLES	1,449	1,374
CLARK	112	96	MADISON	198	183	ST. CLAIR	154	141
CLAY	1,731	1,647	MARIES	80	79	ST. FRANCOIS	886	932
CLINTON	266	299	MARION	794	742	ST. LOUIS CITY	6,261	7,132
COLE	1,515	1,535	MCDONALD	390	375	ST. LOUIS COUNTY	3,677	3,436
COOPER	194	150	MERCER	91	86	STE. GENEVIEVE	195	179
CRAWFORD	618	585	MILLER	388	384	STODDARD	523	519
DADE	123	131	MISSISSIPPI	435	374	STONE	499	553
DALLAS	287	306	MONITEAU	110	102	SULLIVAN	80	79
DAVIESS	191	210	MONROE	182	203	TANEY	1,100	1,149
DEKALB	170	174	MONTGOMERY	198	182	TEXAS	423	436
DENT	277	285	MORGAN	357	370	VERNON	710	661
DOUGLAS	250	223	NEW MADRID	485	496	WARREN	522	496
DUNKLIN	927	969	NEWTON	1,087	1,022	WASHINGTON	485	476
FRANKLIN	1,509	1,427	NODAWAY	143	137	WAYNE	287	322
GASCONADE	221	194	OREGON	206	206	WEBSTER	536	524
GENTRY	46	56	OSAGE	83	89	WORTH	24	21
						WRIGHT	527	507

15 YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY

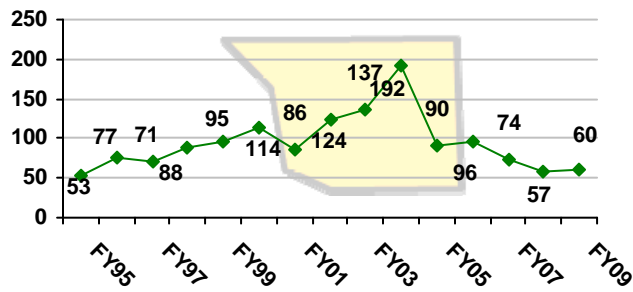
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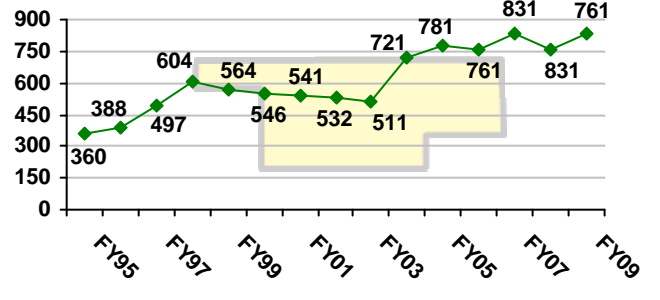
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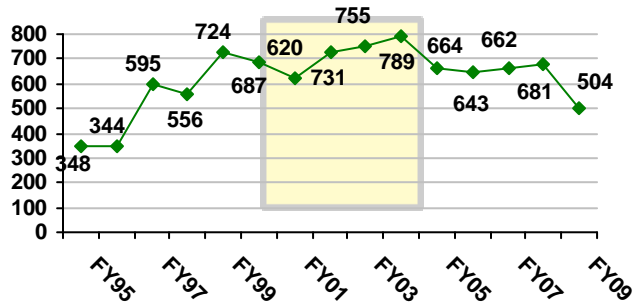
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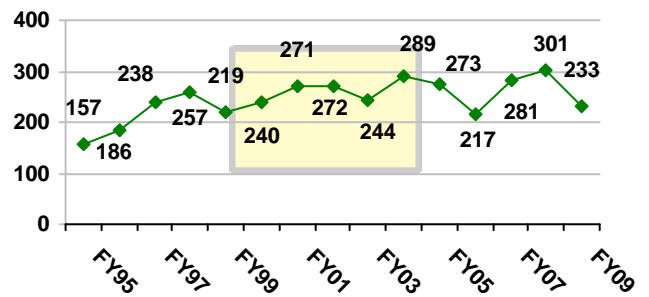
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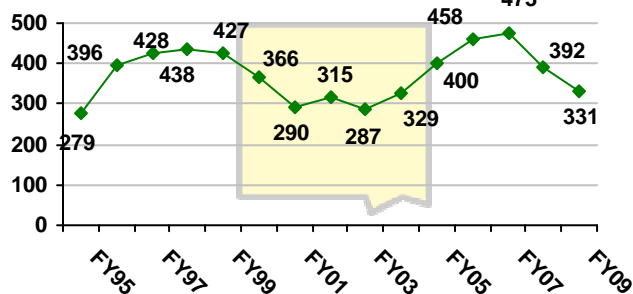
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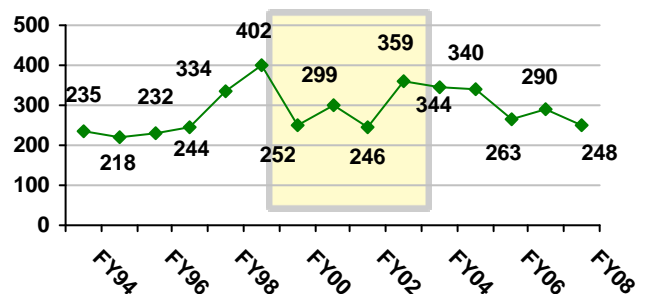
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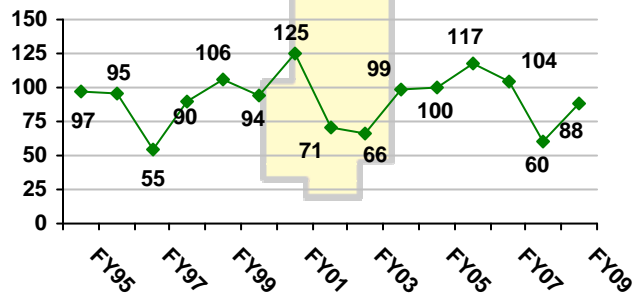


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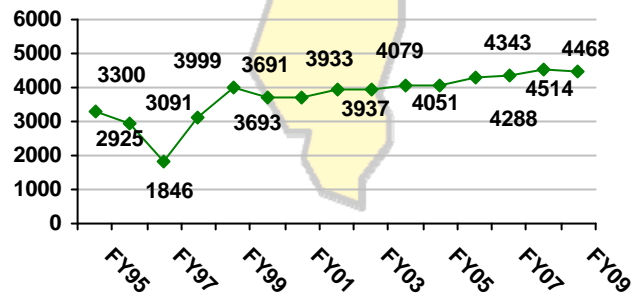


15 YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY

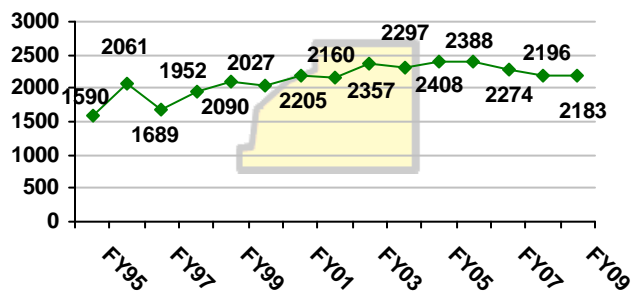
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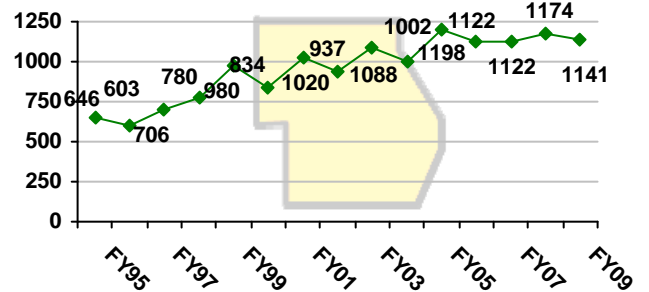
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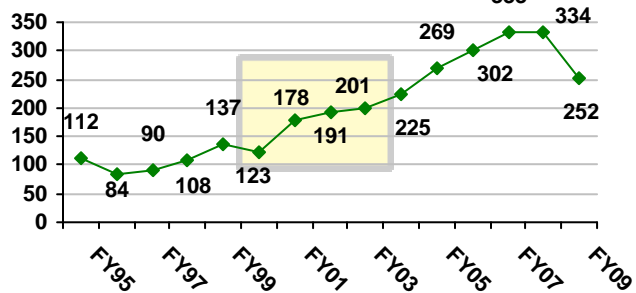
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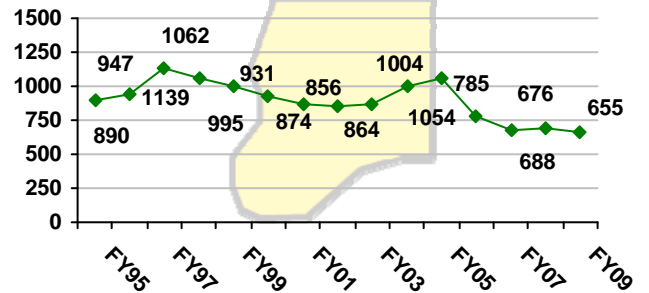
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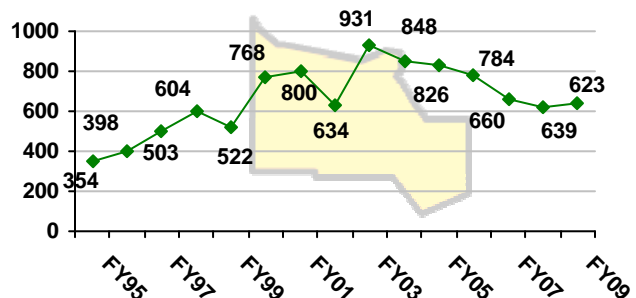
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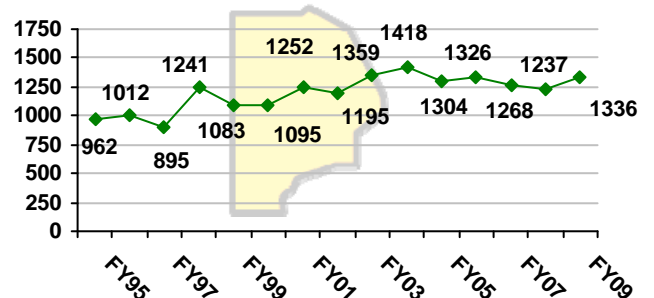
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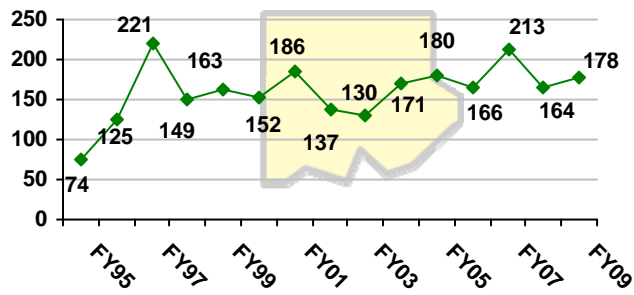


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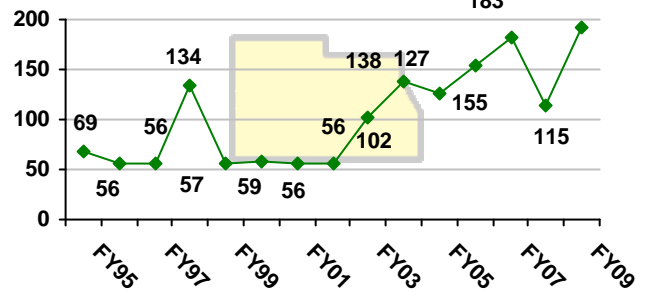


15 YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY

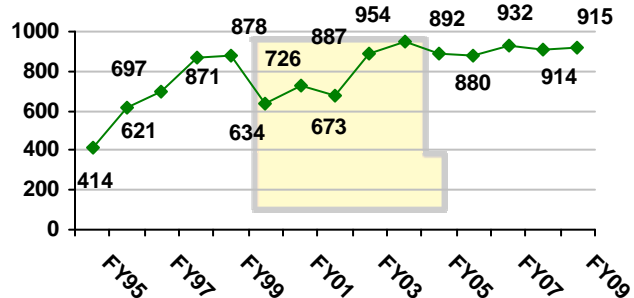
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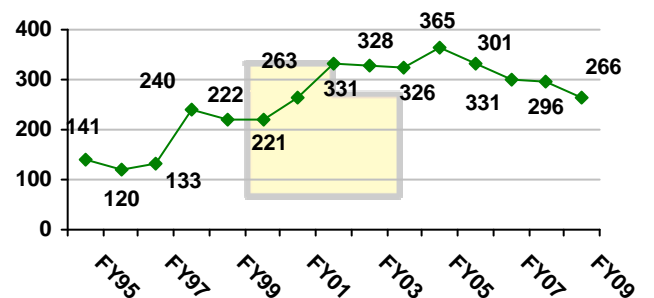
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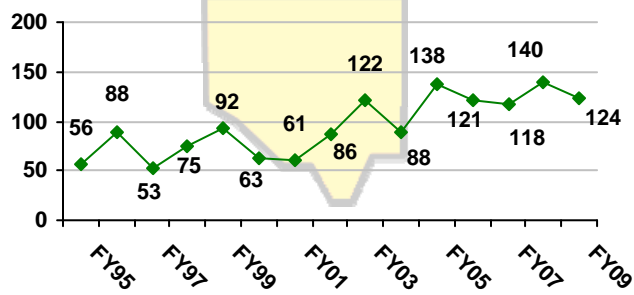
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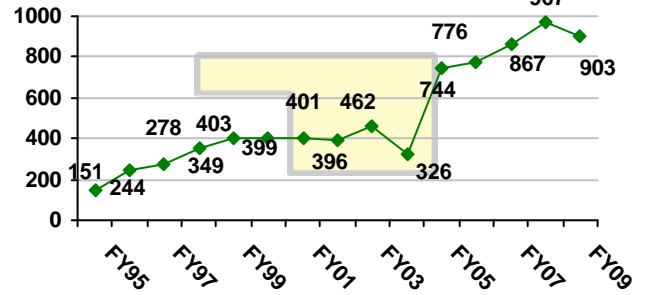
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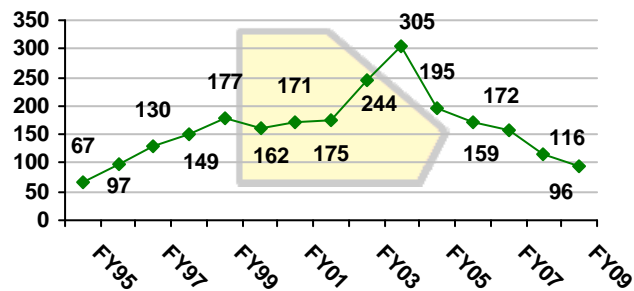
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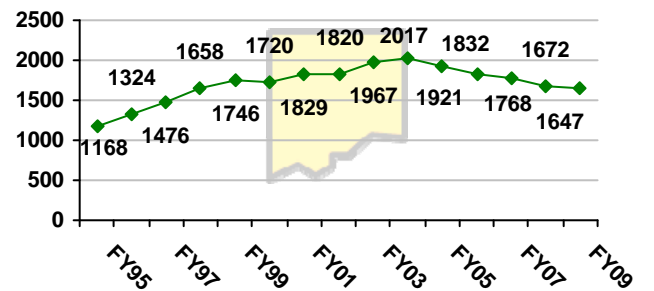
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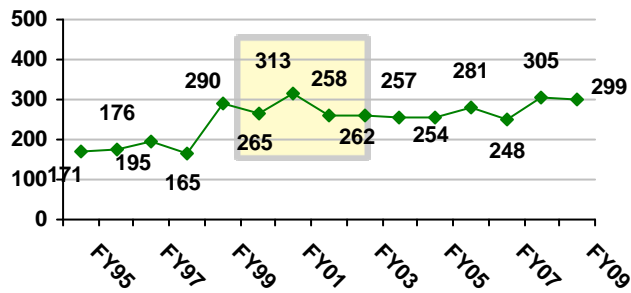


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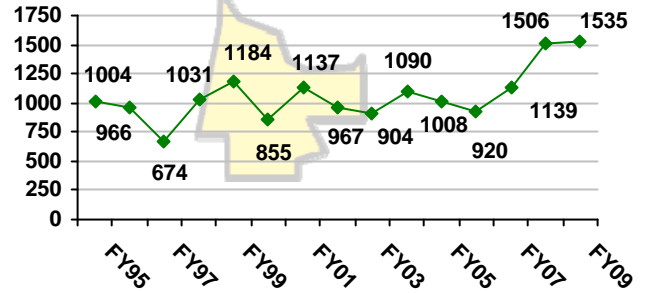


15 YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY

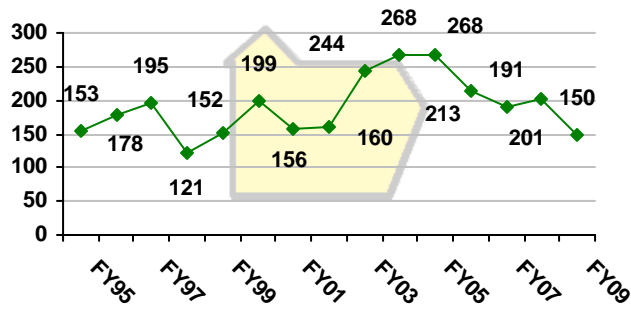
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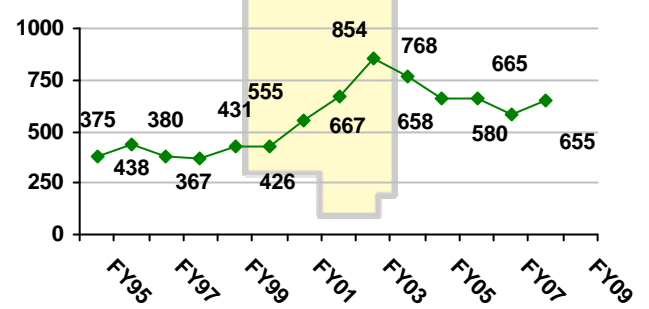
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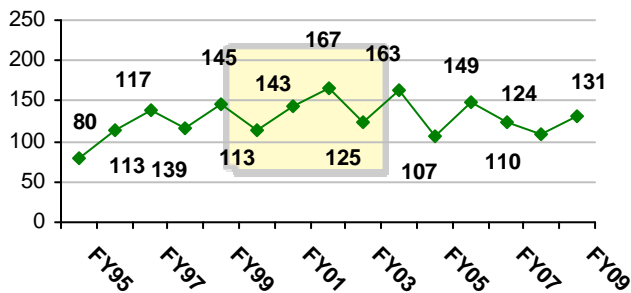
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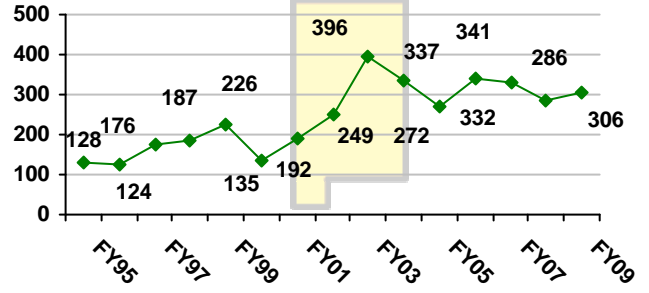
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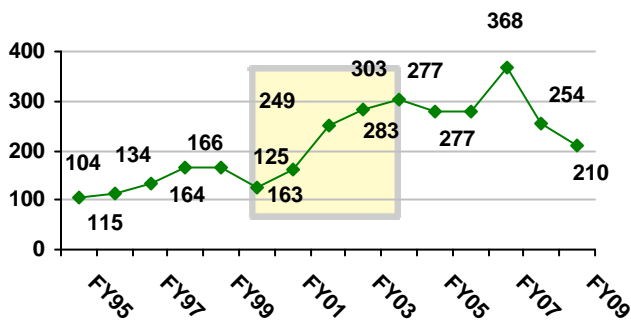
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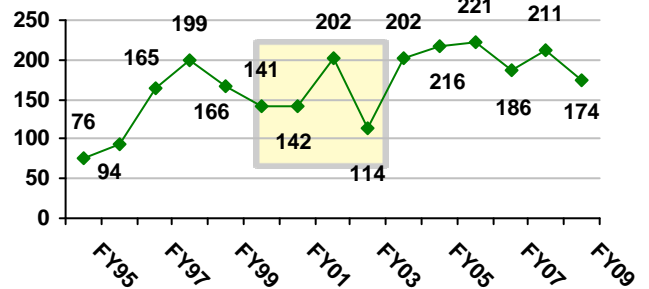
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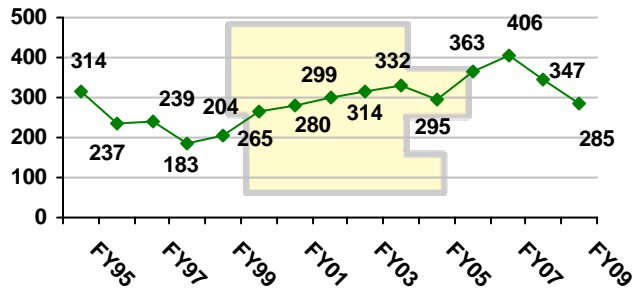


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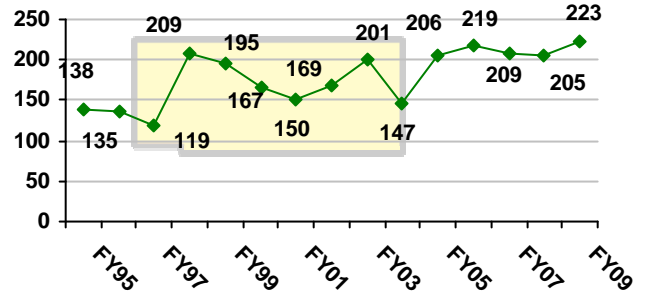


15 YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY

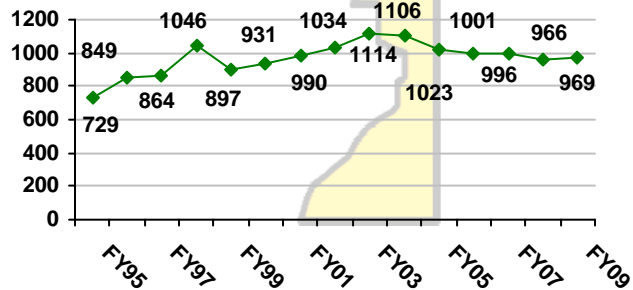
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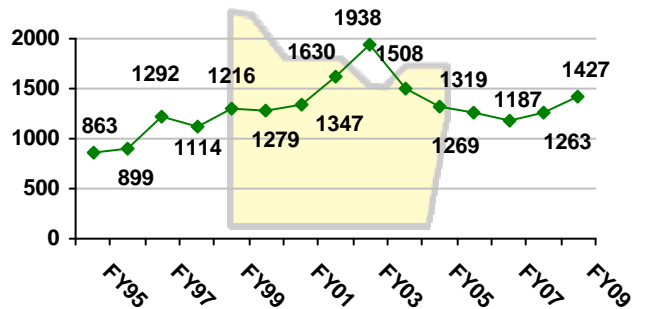
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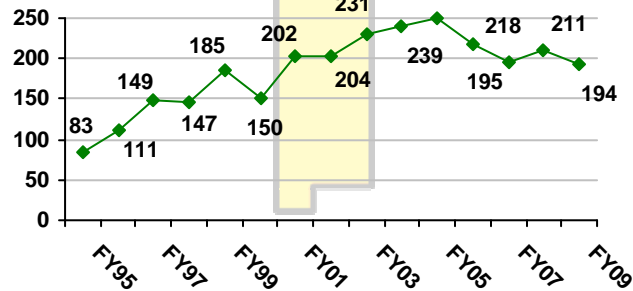
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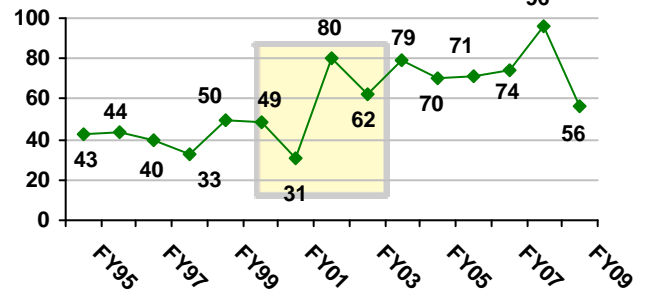
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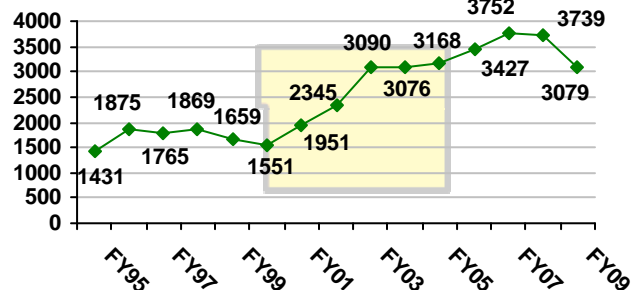
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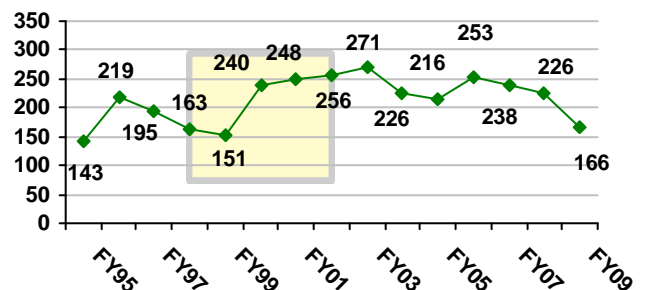
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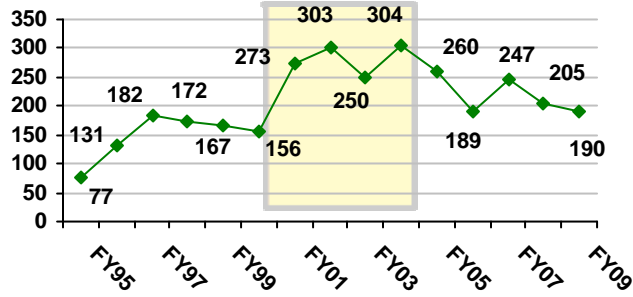


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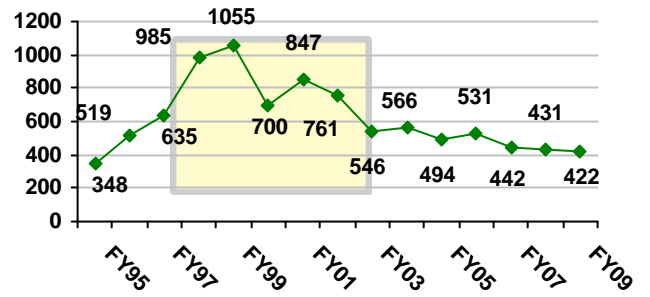


15 YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY

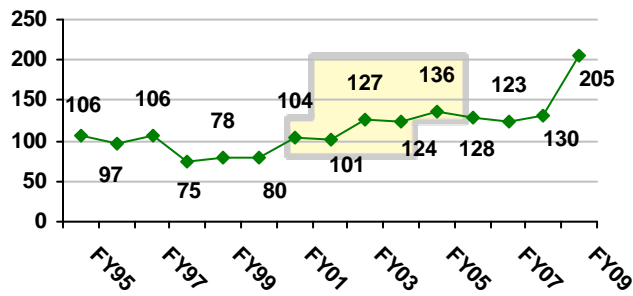
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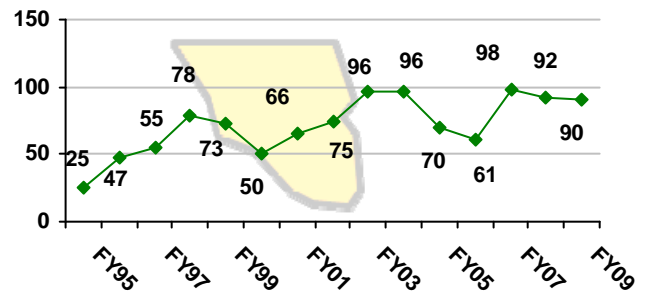
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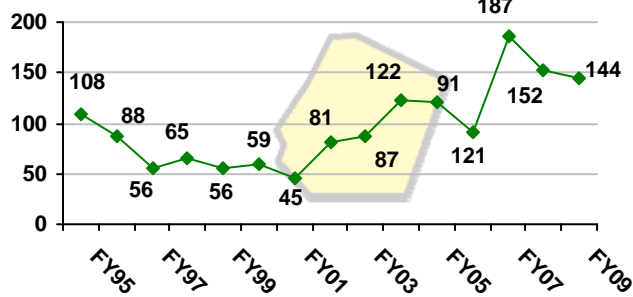
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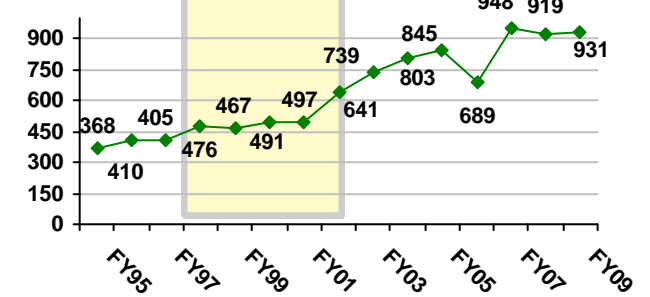
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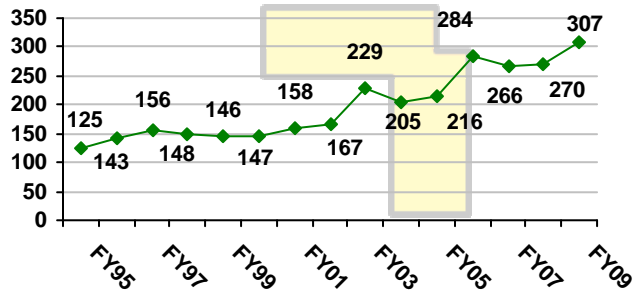
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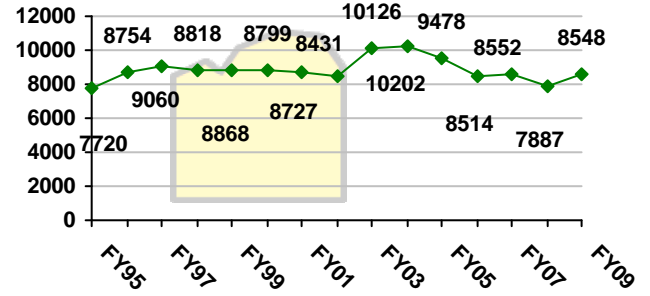
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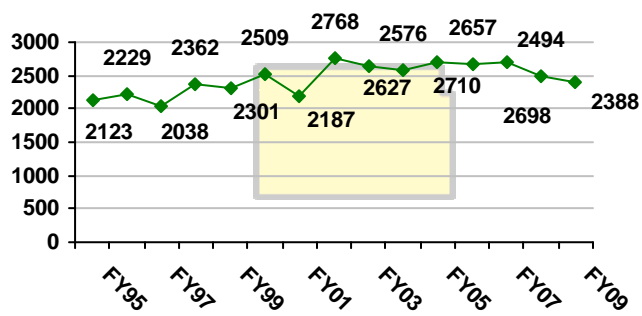


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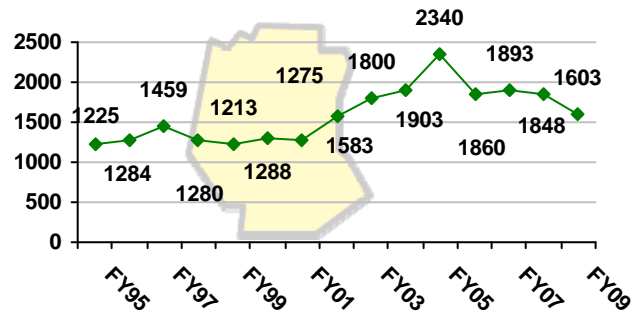


15 YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY

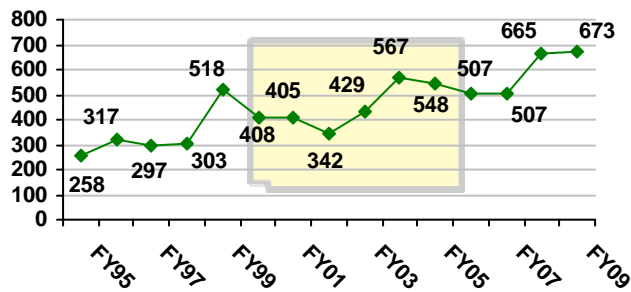
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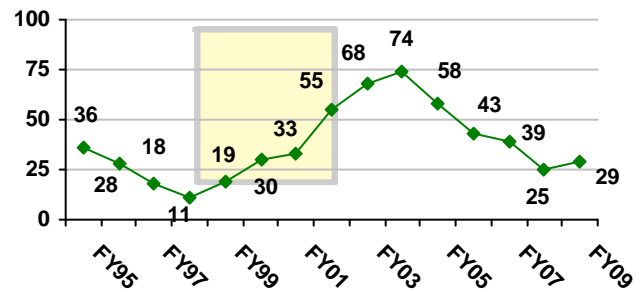
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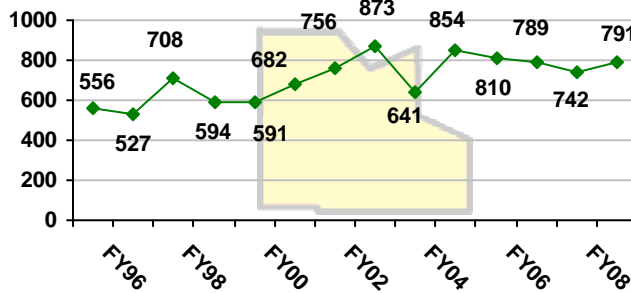
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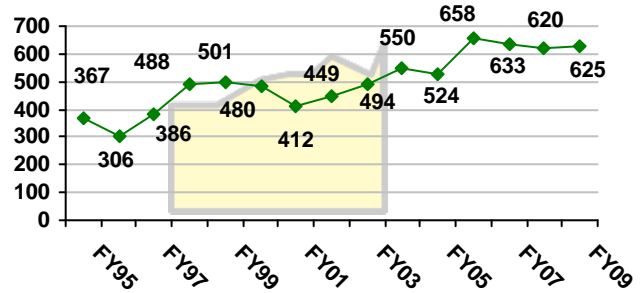
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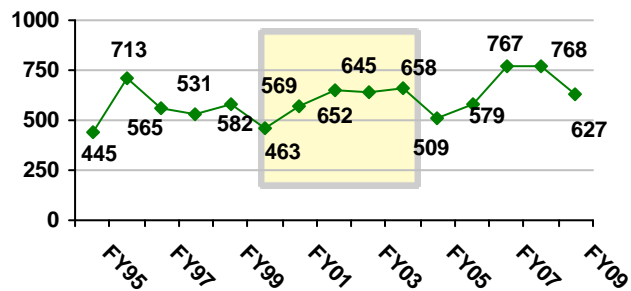
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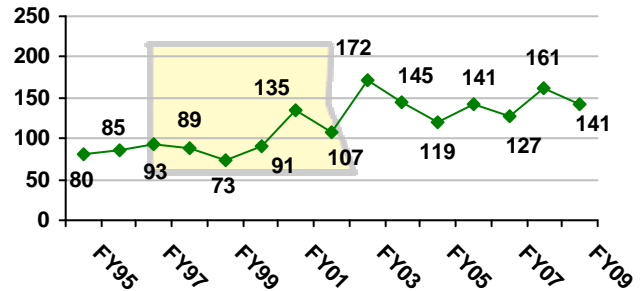
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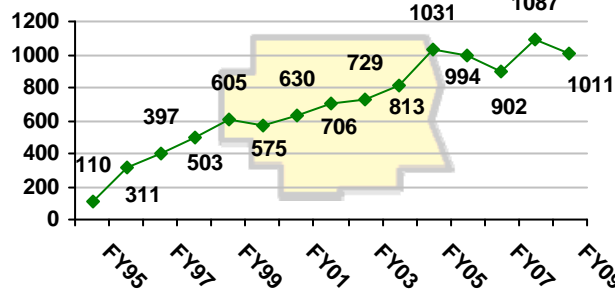


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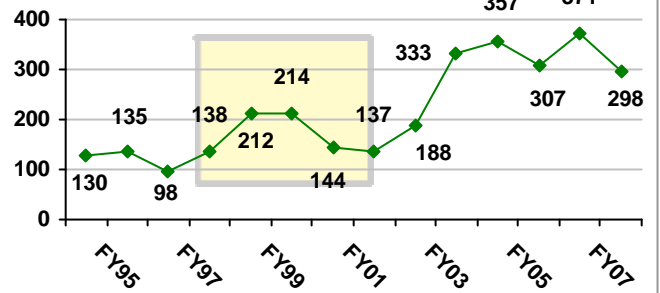


15 YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY

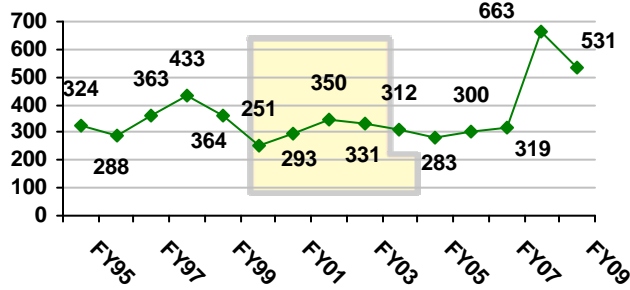
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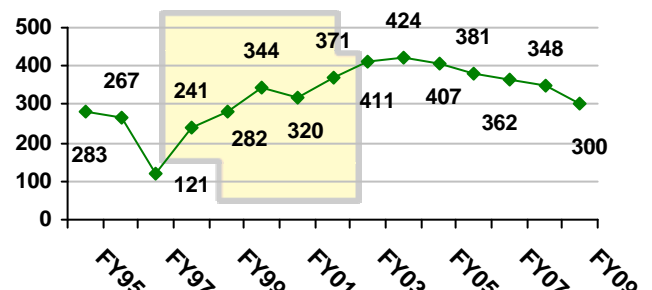
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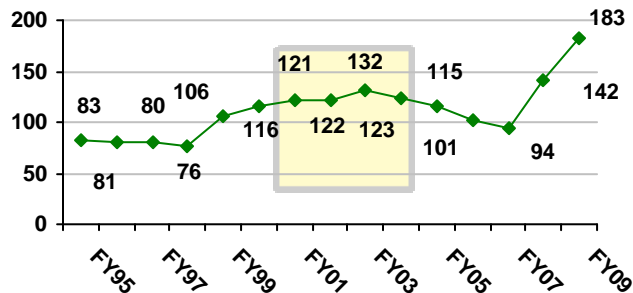
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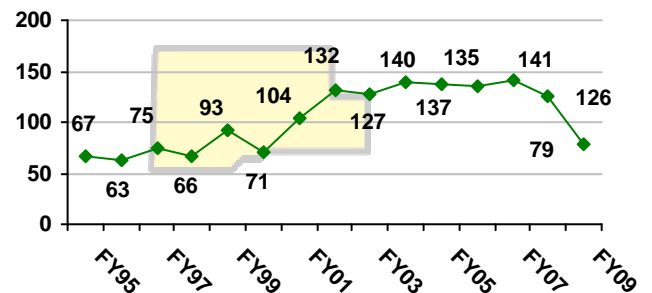
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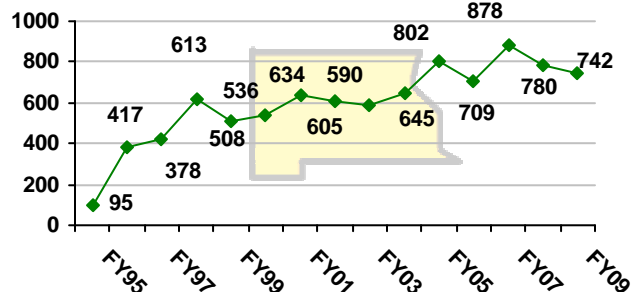
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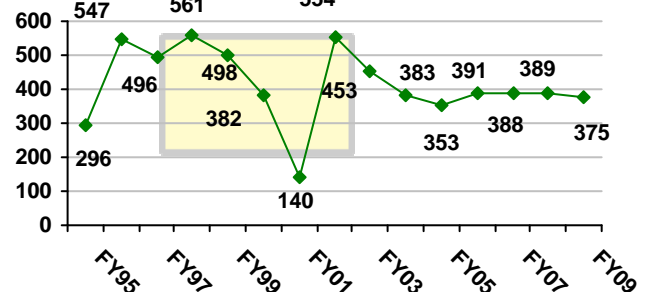
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MARION

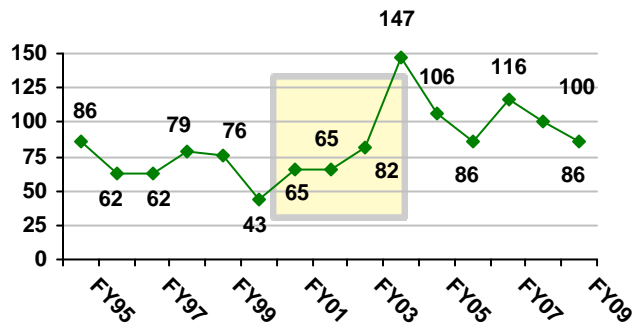


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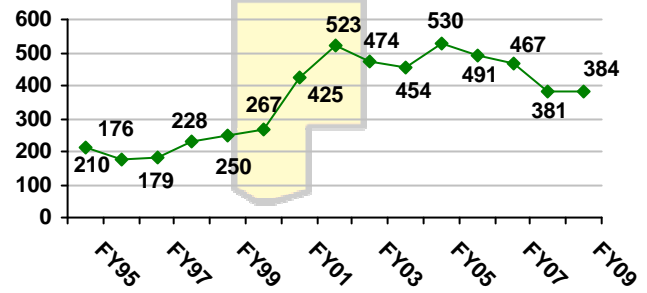


15 YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY

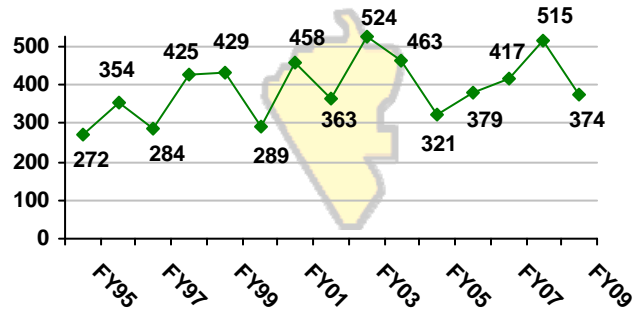
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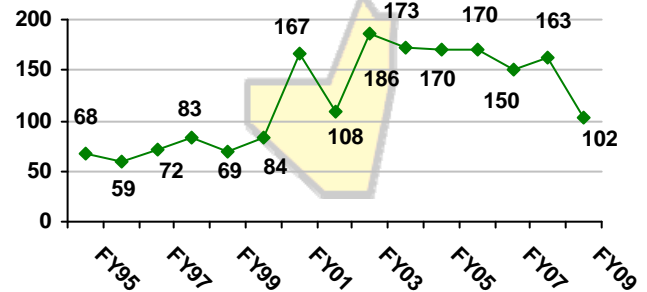
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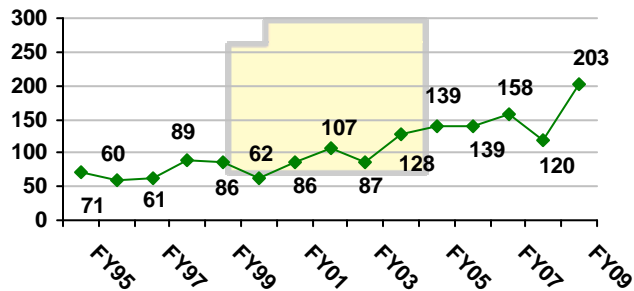
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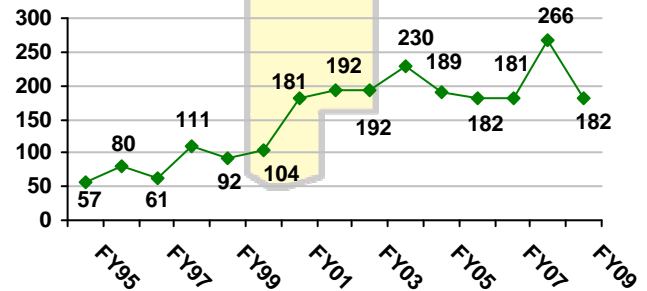
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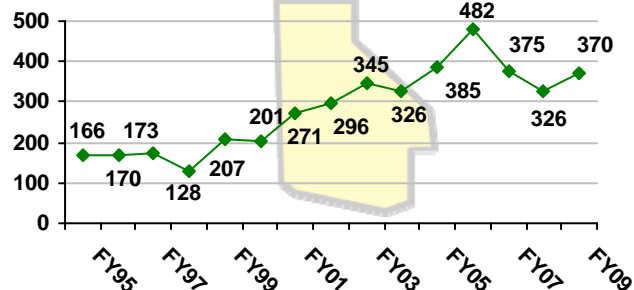
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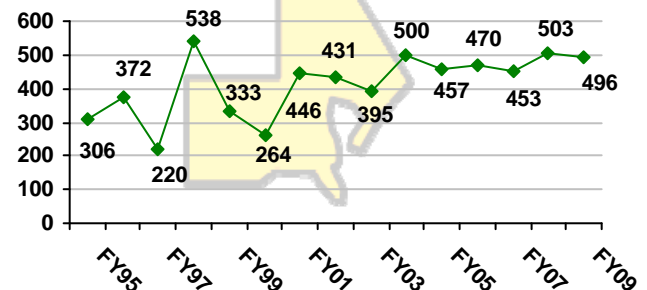
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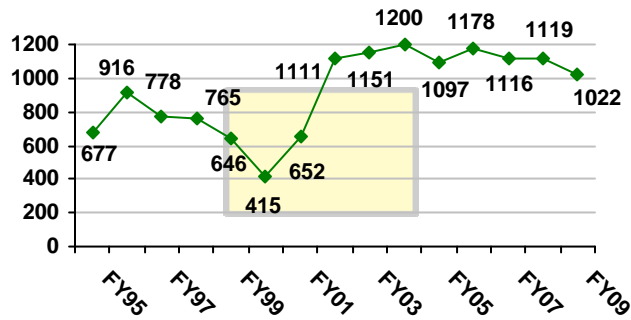


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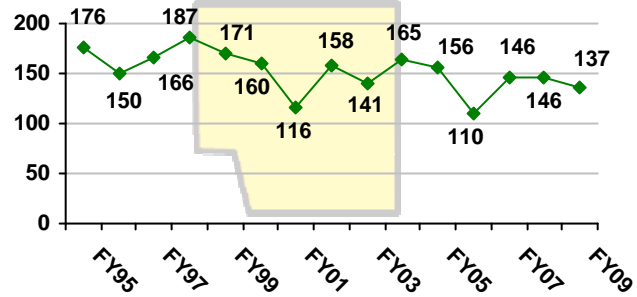


15 YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY

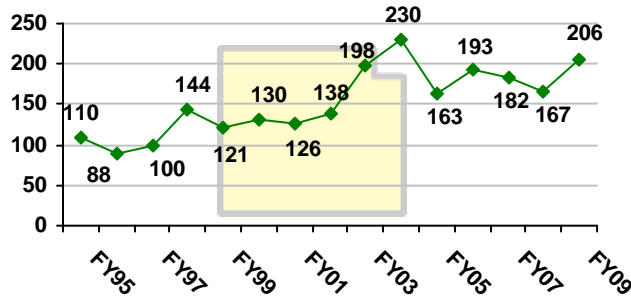
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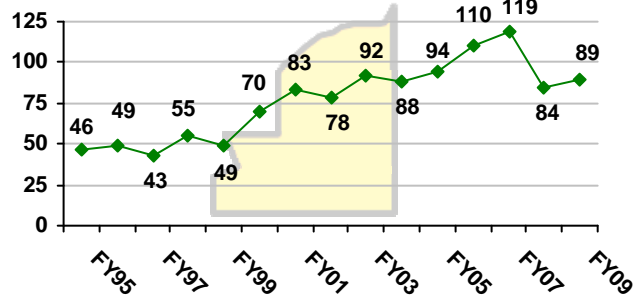
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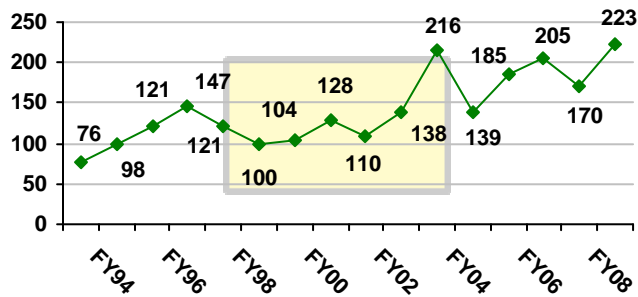
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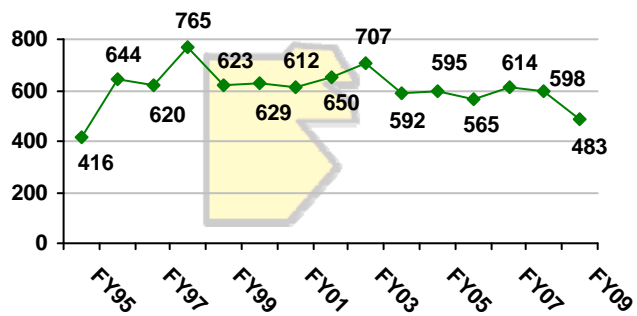
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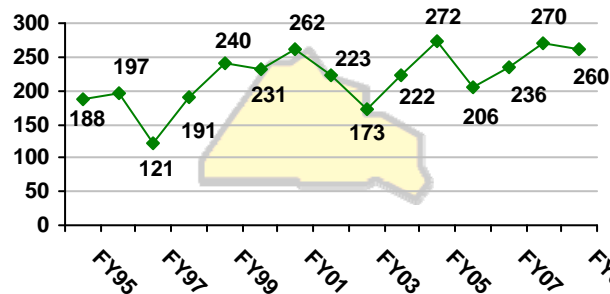
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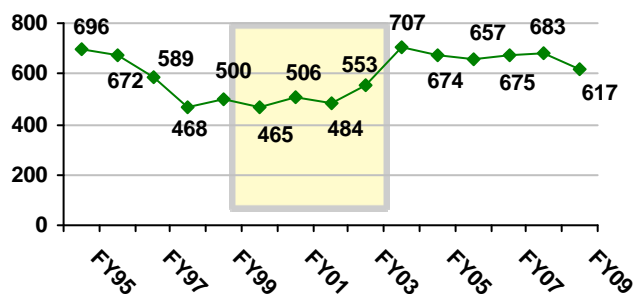
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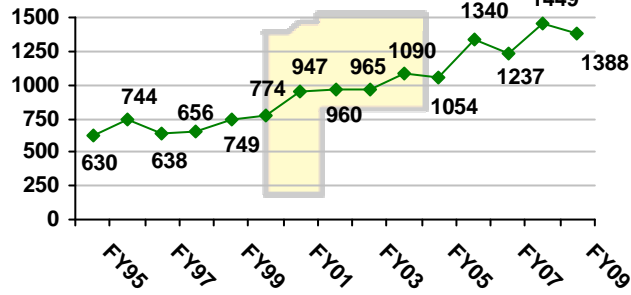


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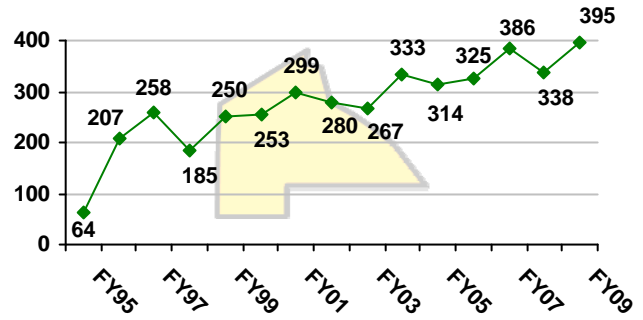


15 YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY

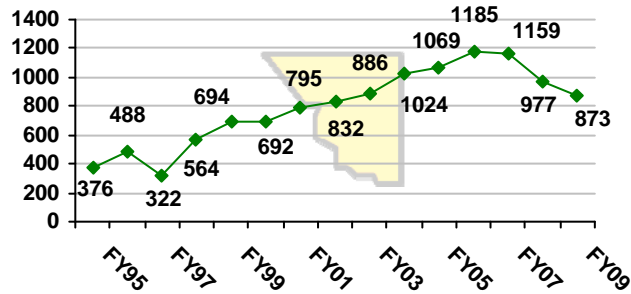
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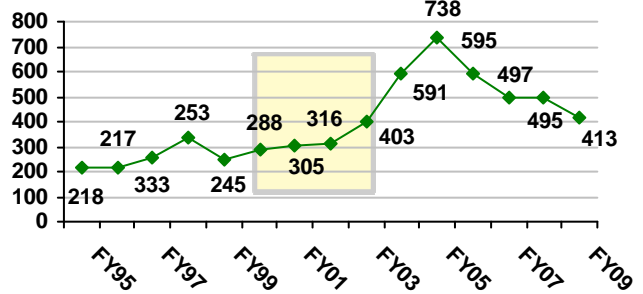
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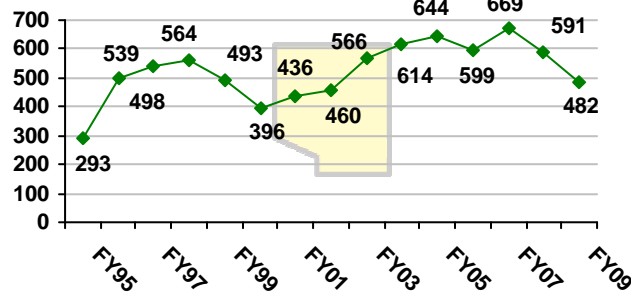
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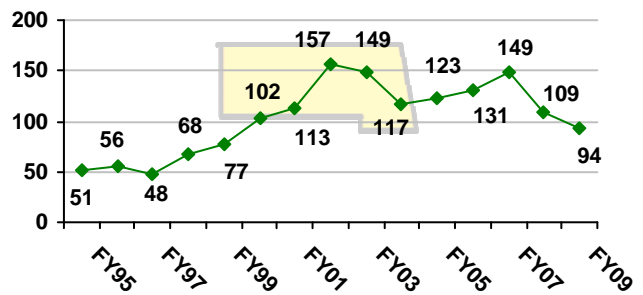
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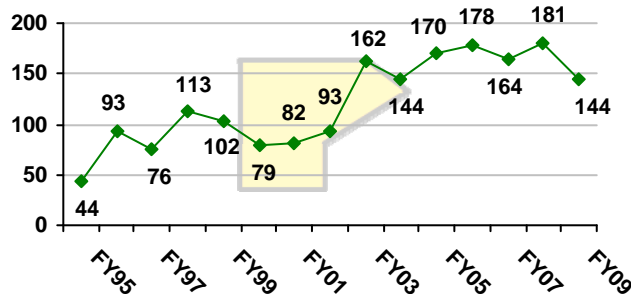
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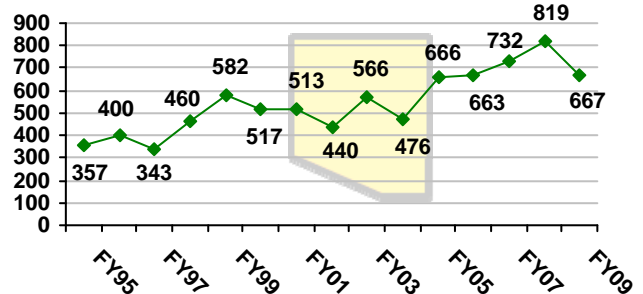
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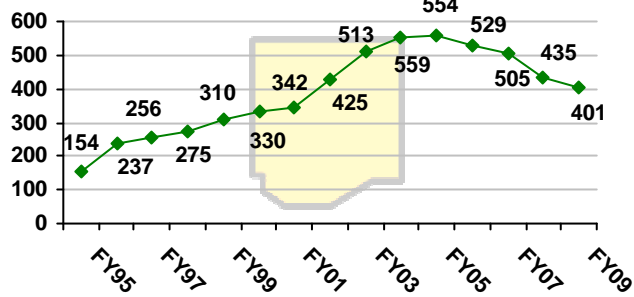


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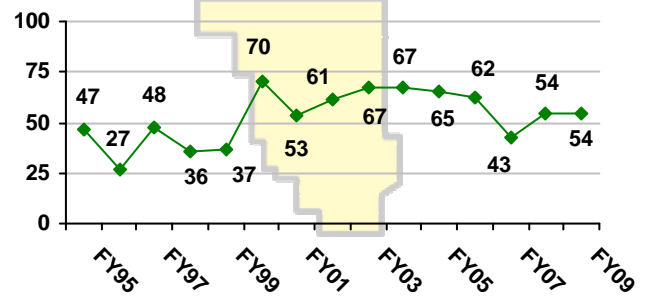


15 YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY

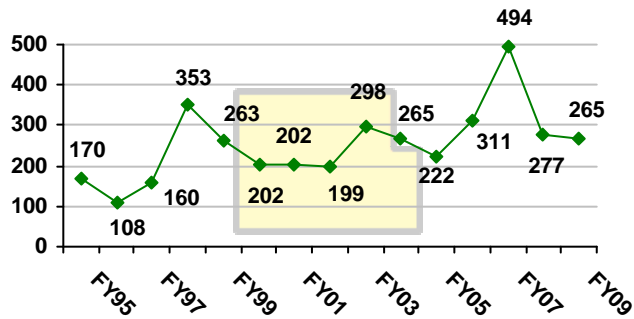
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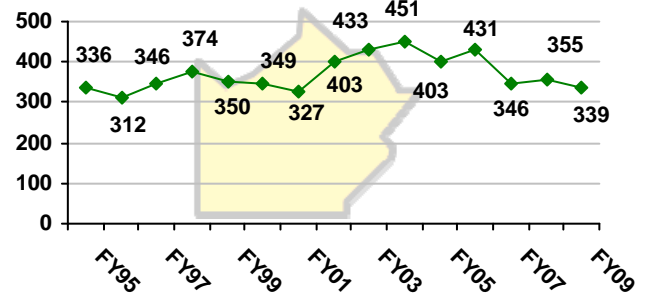
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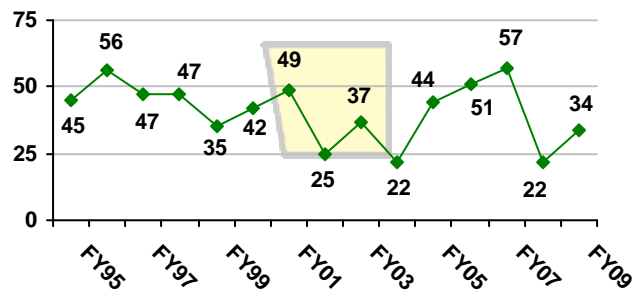
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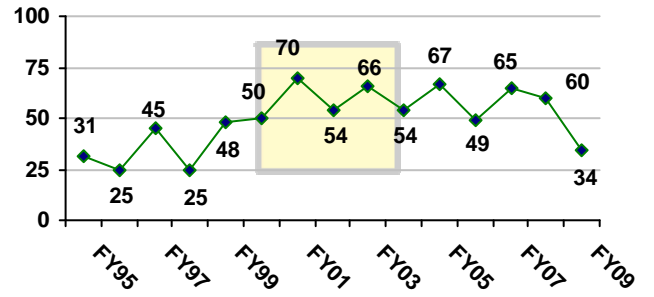
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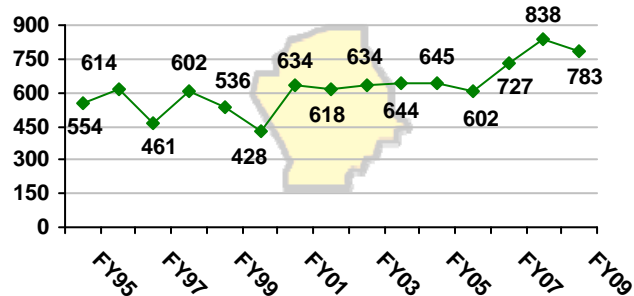
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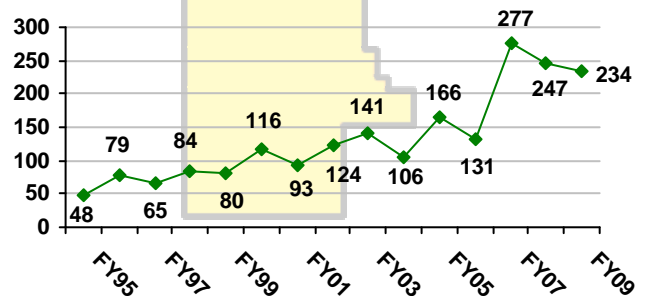
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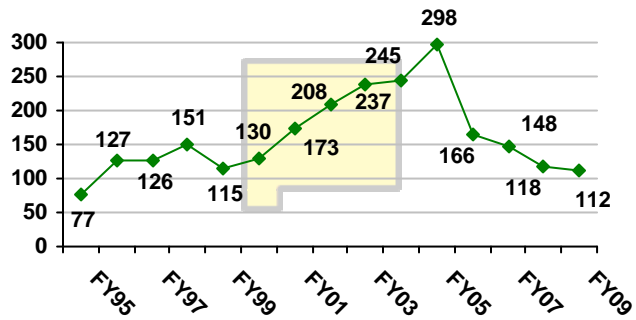


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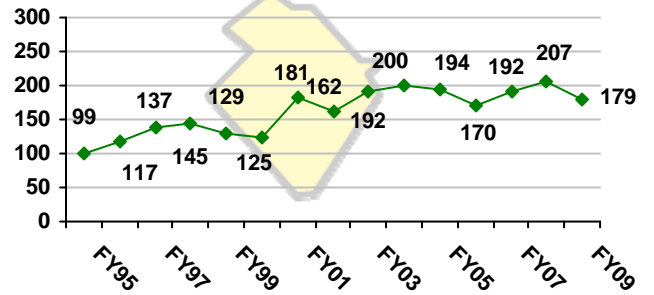


15 YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY

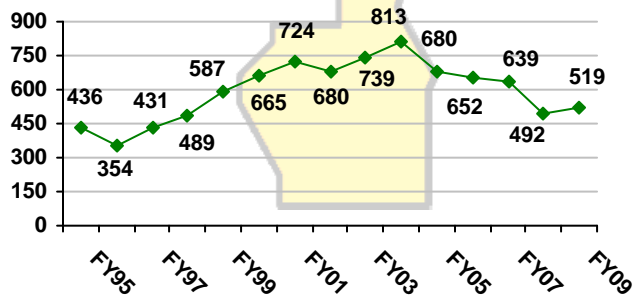
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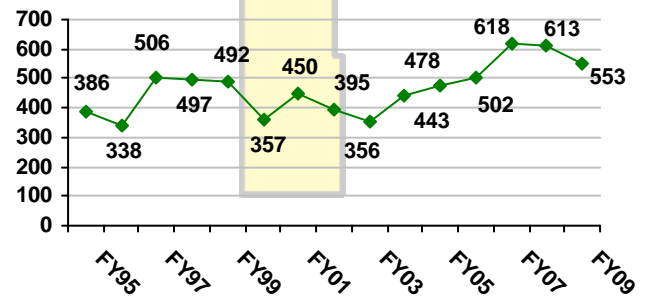
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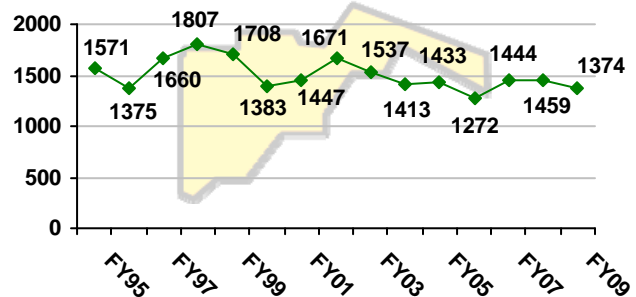
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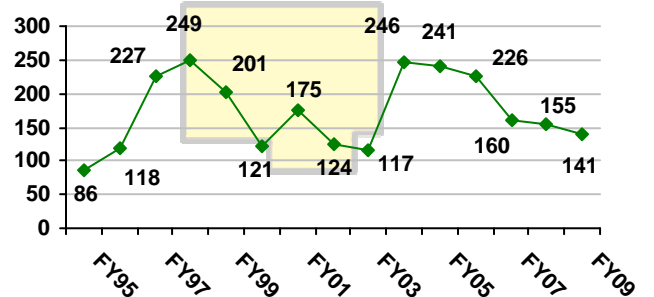
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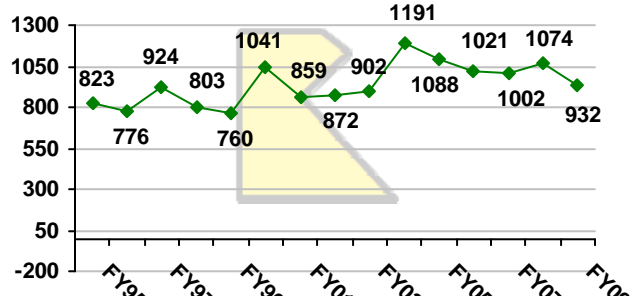
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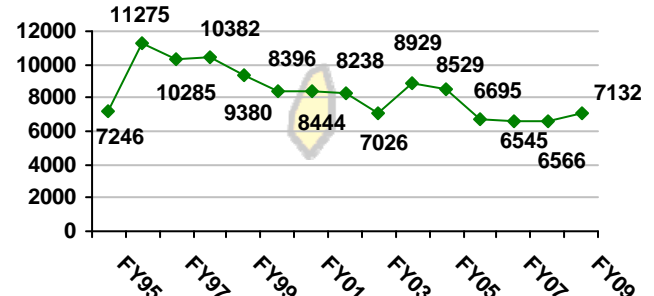
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ST. FRANCOIS

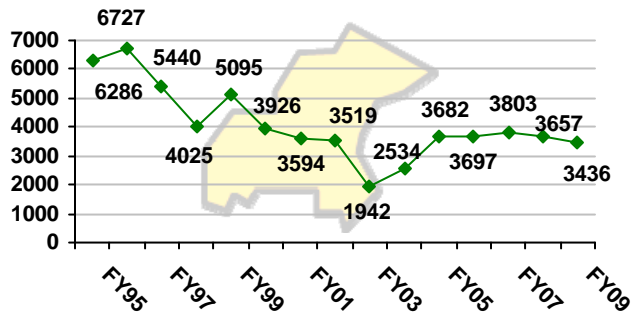


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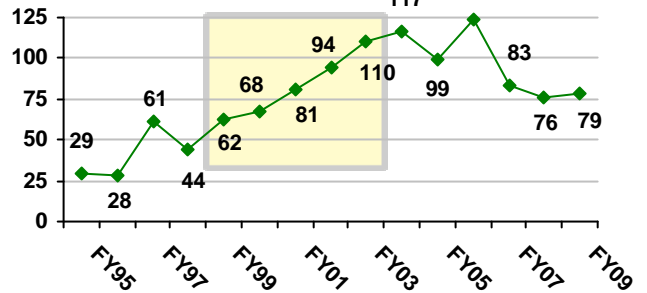


15 YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY

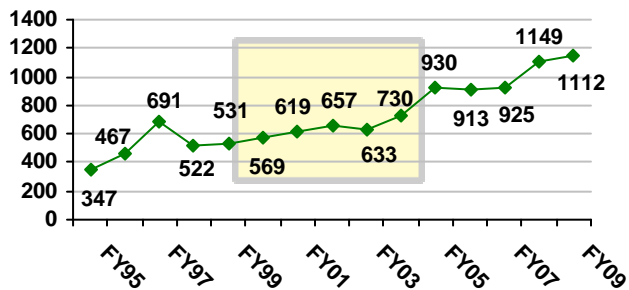
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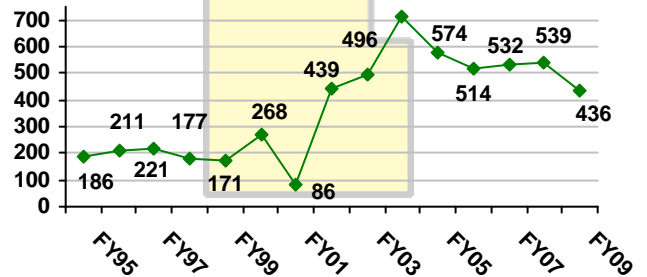
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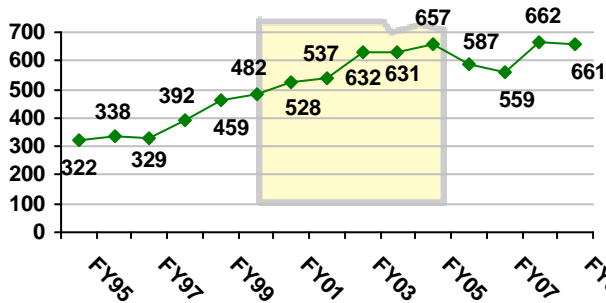
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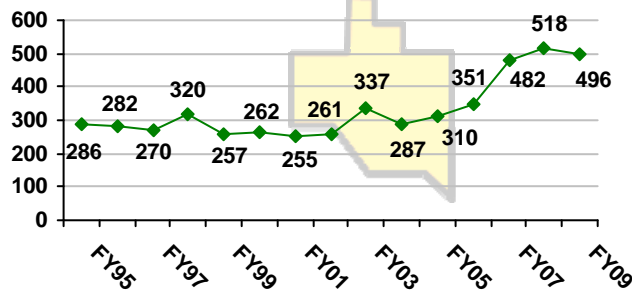
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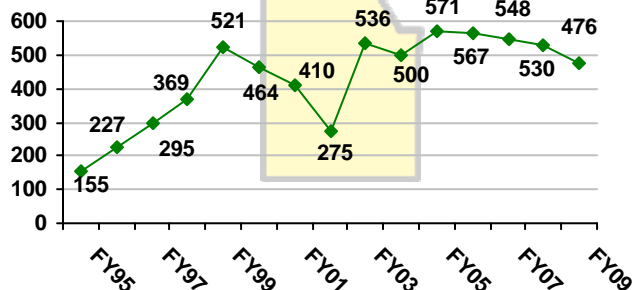
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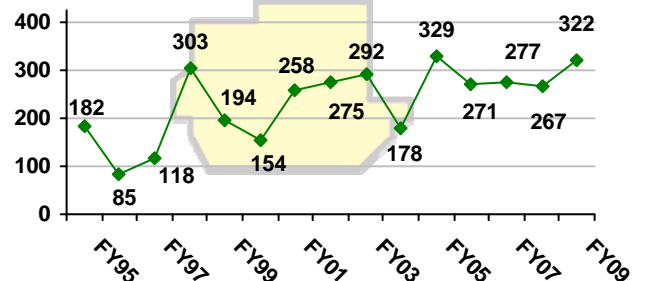
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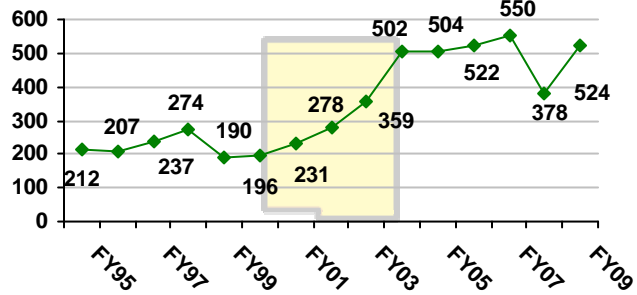


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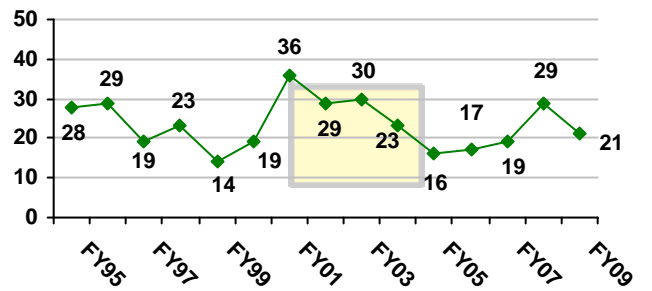


15 YEAR COMPARISON—TRIAL DIVISION CASELOAD— CLOSED CASES BY COUNTY

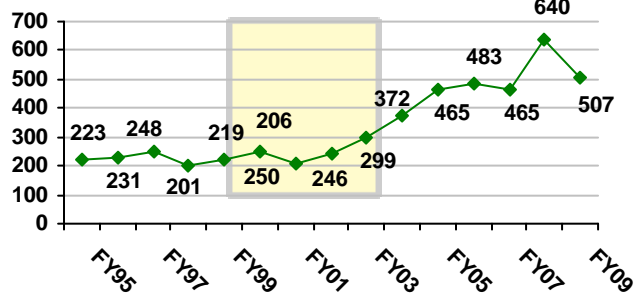
WEBSTER



WORTH



WRIGHT



Caseload and Cost Highlights

A. Caseload

1. Commitment Defense Representation

The Missouri State Public Defender Commitment Defense Unit represents poor people against whom the state has instituted civil commitment proceedings under Missouri's Sexually Violent Predator law. This law enables the state to indefinitely detain people who have no new conviction and who have completed their prison sentences on certain types of sex offenses.

The Commitment Defense cases require experienced attorneys familiar with complex litigation and the use of expert witnesses. In addition to extensive knowledge of criminal law, these cases also require our attorneys to have extensive knowledge of civil law and litigation. Courts have interpreted many of these civil commitment proceeding to be civil rather than criminal, but we are statutorily required to represent these clients.

FY2009 Commitment Defense Unit Caseload Statistics	
	# of Cases
Opened in FY2009	
Petitions for Commitment	20
Petitions for Release	<u>5</u>
Total Opened for 2009	25
Closed in FY2009	
Commitment Cases	
Guilty Pleas	4
Jury Trials	17
Bench Trials	1
Dismissal	2
Contract	2
Release Petition (Guilty Pleas)	2
Release Petition (Withdrawn)	<u>1</u>
Total Closed for 2009	29

Caseload and Cost Highlights

A. Caseload

2. Conflict Assignments and Contract Assignments

When the local public defender office has a conflict that prevents it from representing an eligible defendant (e.g. the office already represents a co-defendant or a witness in that case or on another matter), those cases must be provided other counsel. The majority of these cases are transferred to another public defender office, but such transfers are often not the most efficient since it then requires an assistant public defender to travel to another county for just one case or to see just one client. Often, the most efficient method of dealing with these conflicts is the hiring of private counsel to provide representation in the case. In FY2009, the Missouri State Public Defender System made 860 conflict assignments to such outside counsel.

In Fiscal Year 2009, MSPDS was appropriated \$1.15 million for caseload relief in the form of contract counsel. In FY 2009, 815 cases were contracted to private counsel.

Fiscal Year 2009 CONFLICT and CONTRACT ASSIGNMENTS - By Case Type -			
Code	Description	# of Conflict Cases Contracted	# of Case Overload Cases Contracted
10	Murder – Death Penalty		
15	Murder – 1 st Degree	8	4
20	Other Homicide	20	5
30	A-B Felony	178	138
35	C-D Felony	254	425
40	Misdemeanor	82	134
52	Juvenile	33	3
54	Post Conviction Relief – Rule 24	164	60
59	Post Conviction Relief – Rule 29	11	
60	Chapter 552		
62	Sexual Predator		
65	Probation Violation	65	46
80	29.15 Appeal		
82	Direct Appeal	40	
	Other	5	
		860	815
	Total Private Counsel Conflict & Contract Assignments		1675

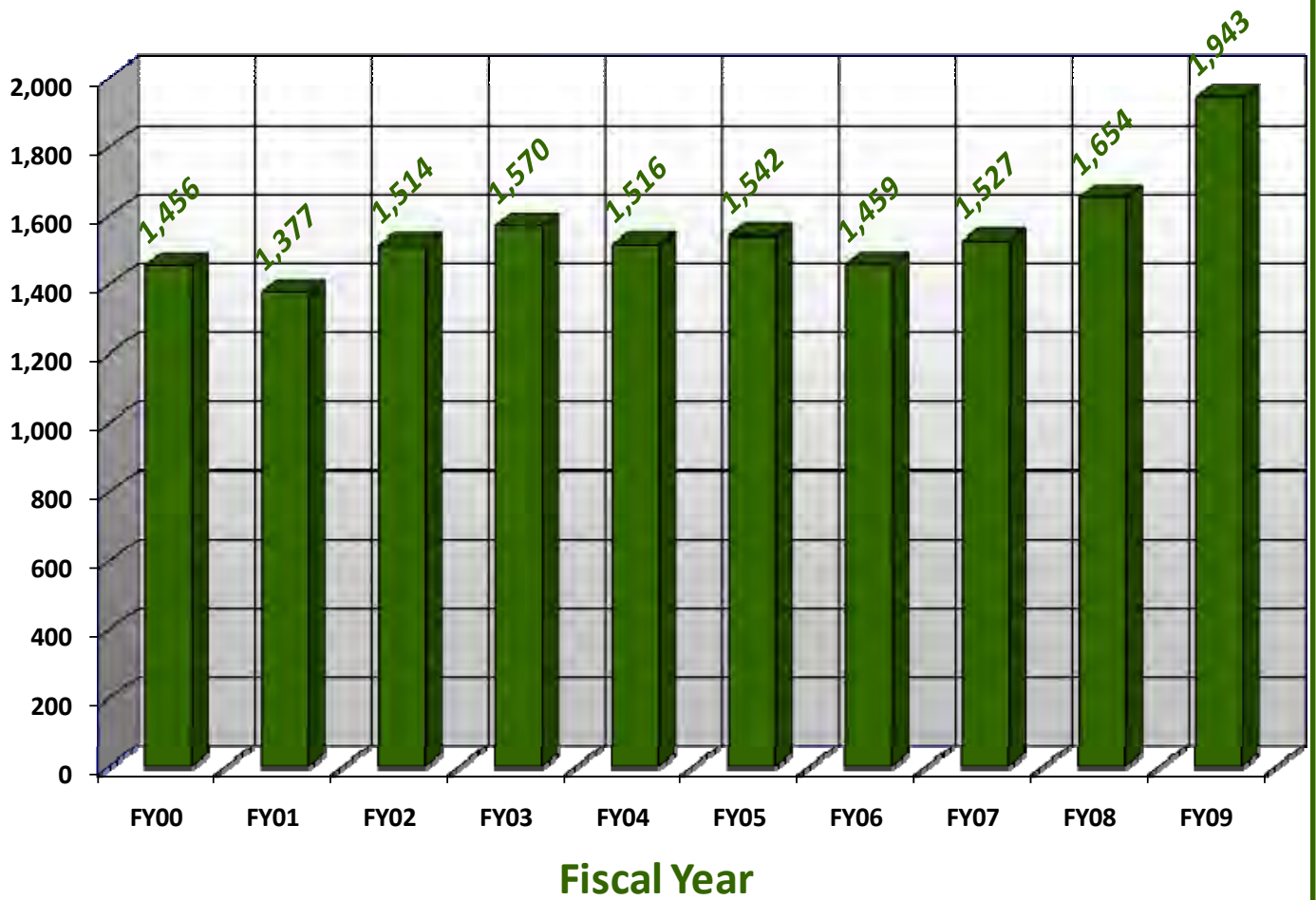
Caseload and Cost Highlights

A. Caseload

3. Appellate / Post Conviction Caseload

FY2009							
Appellate Division Caseload							
Cases Opened and Closed							
	Central Columbia		Eastern St. Louis		Western Kansas City		
	Area 50	Area 67	Area 51	Area 68	Area 52	Area 69	
Death PCR							
Opened	1	2	0	0	2	0	5
Closed	2	0	1	0	0	0	3
Felony							
Opened	230	0	52	86	42	33	443
Closed	213	0	51	77	23	26	390
Misdemeanor							
Opened	20	0	1	2	0	0	23
Closed	19	0	2	1	0	0	22
Juvenile							
Opened	2	0	2	0	2	5	11
Closed	2	0	2	0	1	7	12
PCR Appeals							
Opened	87	46	99	74	39	25	370
Closed	58	40	77	88	34	28	325
PCR Trials							
Opened	0	397	216	191	116	104	1,024
Closed	0	404	199	170	127	106	1,006
Other (DNA, 29.07, 29.13, Rule 87, State's Appeals, 29.27, Writs, CDUs, etc)							
Opened	29	14	4	7	10	3	67
Closed	18	18	10	9	7	2	64
Appellate Division Totals							
Opened	369	459	374	360	211	170	1,943
Closed	312	462	342	345	192	169	1,822
Totals							
Opened	828		734		381		1,943
Closed	774		687		361		1,822
	Central Columbia		Eastern St. Louis		Western Kansas City		

New Appellate Cases



FY2009
Appellate Cases Disposed
By Disposition Code

Code		District 50	District 51	District 52	District 67	District 68	District 69
43	Contract Case (Transferred for Assignment)	5	15	11	160	61	9
42	Conflict (Transferred for Assignment)	0	3	3	5	4	0
41	Conflict (Transfer to Public Defender Office)	9	6	3	6	5	7
37	Guilty Plea Vacated	0	2	2	6	3	7
36	Reversed for Sufficiency/Client Discharged	5	1	1	2	0	0
35	Reversed - Findings of Fact/Conclusions of Law	4	0	0	1	1	0
34	Reversed for New Trial	0	0	0	0	0	0
33	Reversed & Remanded for Sentencing Relief	0	2	9	13	9	4
32	Reversed & Remanded for Resentencing	2	0	0	0	0	0
31	Reversed & Remanded for PCR Hearing	2	0	1	1	2	0
30	Reversed & Remanded for New Trial	5	2	0	1	0	0
21	Denied Without Hearing	0	56	3	29	59	8
20	Denied After Hearing	0	41	33	85	17	22
12	Summary Affirmance	165	110	38	1	106	0
11	Affirmed in part/Reversed & Remanded in Part	12	2	1	0	1	0
10	Affirmed After Opinion	57	5	7	33	10	44
03	Dismissed by Court	9	15	20	49	13	6
02	Voluntary Dismissal	22	66	43	50	48	50
01	Withdraw	14	15	15	18	5	11
00	Unknown	1	1	2	2	1	1
	Totals	312	342	192	462	345	169

Caseload and Cost Highlights

A. Caseload

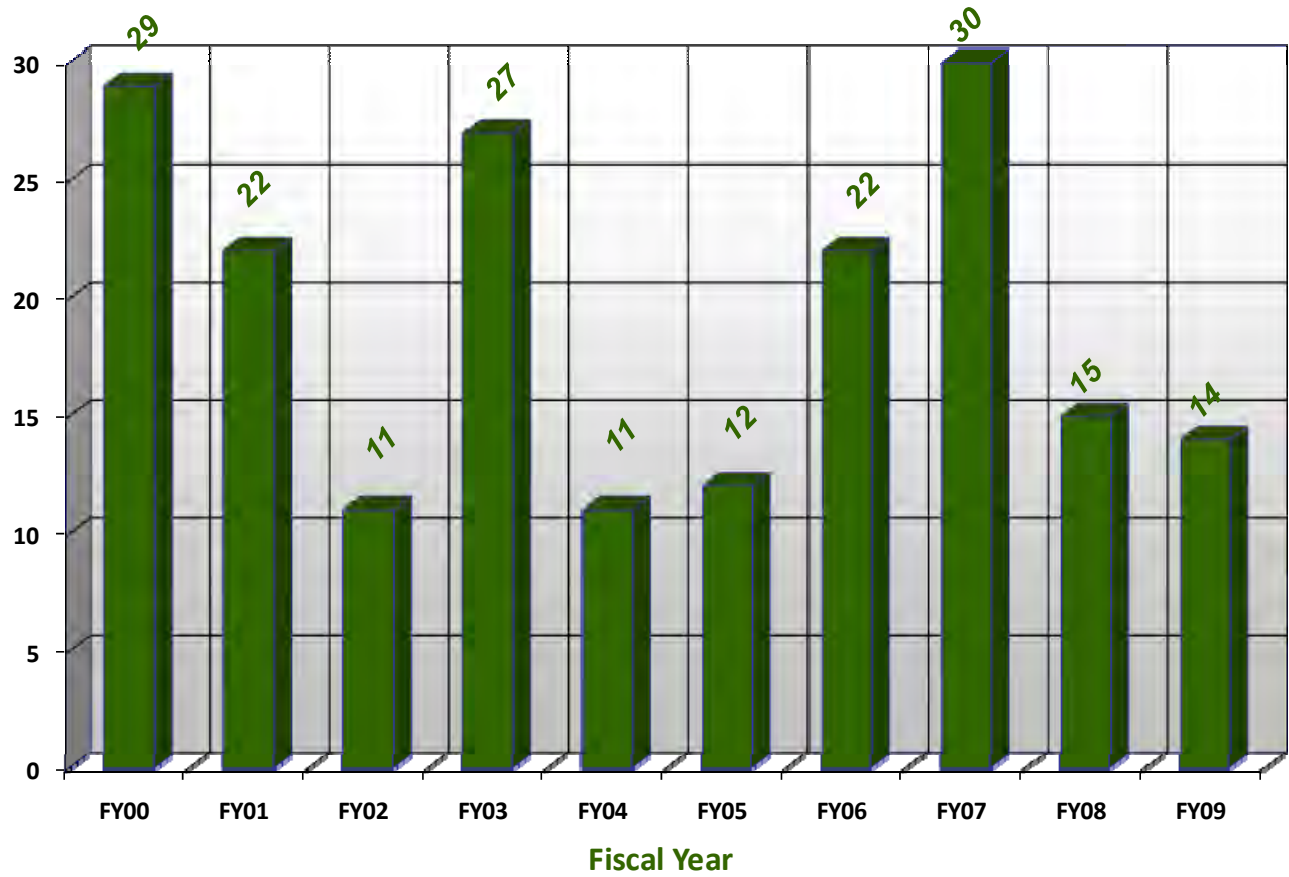
4. Capital Division Caseload

FY2009 CAPITAL DIVISION Death Penalty Caseload			
	Opened	Closed	Current
Central Office - Columbia -			
Trials	1	6	7
Appeals - Death	1	0	3
Non- Death Penalty	0	0	1
Totals	2	6	11
Eastern Office - St. Louis City -			
Trials	4	8	9
Appeals - Death	2	1	3
Non- Death Penalty	0	1	0
Totals	6	10	12
Western Office - Kansas City -			
Trials	1	4	4
Appeals - Death	2	0	4
Non- Death Penalty	3	4	3
Totals	6	8	11
Total Death Penalty Cases			
Trials	6	18	20
Appeals - Death	5	1	10
Non- Death Penalty	3	4	4
Totals	14	23	34

The Direct Appeals of Death Penalty Cases was transferred to the Capital Division in October of 1997. In addition to the Direct Appeals, the staff assigned to direct appeals of death penalty cases assist the Capital Division Trial staff in trial preparation.

As time permits, the Capital provides relief to the Trial Division when murder cases are particularly time consuming or complicated.

New Capital Cases



SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2012
94TH GENERAL ASSEMBLY

FISCAL YEAR 2009

Section 12.400. To the Office of the State Public Defender
For the purpose of funding the State Public Defender System
 Personal Service and/or Expense and Equipment. \$30,678,313
For payment of expenses as provided by Chapter 600,
 RSMo, associated with the defense of violent crimes
 and/or the contracting of criminal representation
 with entities outside of the Missouri Public
 Defender System *(KL Note: Includes \$168,000 for Parking)*. 3,391,502
From General Revenue Fund 34,069,815

For expenses authorized by the Public Defender
 Commission as provided by Section 600.090, RSMo
 Personal Service 129,507
Expense and Equipment. 2,850,756
From Legal Defense and Defender Fund. 2,980,263

For refunds set-off against debts as required by Section 143.786, RSMo
From Debt Offset Escrow Fund..... 350,000E

For all grants and contributions of funds from the federal
 government or from any other source which may be
 deposited in the State Treasury for the use of the
 Office of the State Public Defender
From Federal Funds. 125,000
Total (Not to exceed 560.13 F.T.E.) \$37,525,078

Cost of Cases Closed

The direct cost, on average, for all cases disposed by the State Public Defender System (including Death Penalty Representation) in Fiscal Year 2009 was \$354.74. The Trial Division average was \$288.56. These both compare very favorably to the last computed average under the old appointed counsel system of \$390 per case in 1981.

FY 2009 - Trial Division Cost Per Case

	Location	Current District Defender	Total Costs For District	FY09 Cases Assigned	Cost Per Assignment	FY09 Cases Disposed	Cost Per Disposition
2	Kirksville	Kevin Locke	\$200,563.10	601	\$333.72	529	\$379.14
4	Maryville	Michelle Davidson	\$218,102.80	539	\$404.64	565	\$386.02
5	St. Joseph	Susan Rinne	\$515,431.14	2,307	\$223.42	2,110	\$244.28
7	Liberty	Anthony Cardarella	\$820,733.55	2,993	\$274.22	2,994	\$274.13
10	Hannibal	Todd Schulze	\$379,793.58	1,467	\$258.89	1,413	\$268.79
11	St. Charles	Richard Scheibe	\$489,786.84	1,932	\$253.51	1,812	\$270.30
12	Fulton	Justin Carver	\$482,470.85	1,734	\$278.24	1,662	\$290.30
13	Columbia	Anthony Manansala	\$923,942.53	4,255	\$217.14	4,468	\$206.79
14	Moberly	Leecia Carnes, Acting	\$455,568.34	1,566	\$290.91	1,576	\$289.07
15	Sedalia	Kathleen Brown	\$457,148.85	1,823	\$250.77	1,744	\$262.13
16	Kansas City	Joel Elmer	\$2,658,783.75	8,077	\$329.18	8,467	\$314.02
17	Harrisonville	Jeffery Martin	\$662,088.13	2,623	\$252.42	2,447	\$270.57
19	Jefferson City	Jan King	\$450,629.57	2,093	\$215.30	2,109	\$213.67
20	Union	Lisa Preddy	\$442,360.49	1,672	\$264.57	1,577	\$280.51
21	St. Louis County	Tara Crane, Acting.	\$1,338,076.95	3,922	\$341.17	3,696	\$362.03
22	St. Louis City	Mary Fox	\$2,329,052.13	6,247	\$372.83	7,145	\$325.97
23	Hillsboro	Val Held	\$430,721.89	1,626	\$264.90	1,562	\$275.75
24	Farmington	Wayne Williams	\$622,448.96	2,073	\$300.26	2,071	\$300.55
25	Rolla	Donna Holden	\$774,009.49	3,147	\$245.95	3,192	\$242.48
26	Lebanon	Karie Comstock	\$515,709.35	1,889	\$273.01	1,845	\$279.52
28	Nevada	Joe Zuzul	\$383,827.64	1,336	\$287.30	1,267	\$302.94
29	Joplin	Darren Wallace	\$1,254,912.01	3,926	\$319.64	3,686	\$340.45
30	Buffalo	Dewayne Perry	\$438,998.36	1,724	\$254.64	1,710	\$256.72
31	Springfield	Rod Hackathorn	\$1,416,799.00	4,555	\$311.04	4,986	\$284.16
32	Jackson	Chris Davis	\$854,834.76	2,907	\$294.06	2,844	\$300.57
34	Caruthersville	Brandon Sanchez	\$285,328.97	1,018	\$280.28	1,034	\$275.95
35	Kennett	Catherine Rice	\$371,739.21	1,421	\$261.60	1,445	\$257.26
36	Poplar Bluff	Steven Lynxwiler	\$431,679.04	1,920	\$224.83	1,880	\$229.62
37	West Plains	Donna Anthony	\$395,099.58	1,472	\$268.41	1,350	\$292.67
39	Monett	Clate Baker	\$669,770.25	1,738	\$385.37	1,964	\$341.02
43	Chillicothe	Kelly Miller	\$732,647.50	2,282	\$321.05	2,284	\$320.77
44	Ava	Linda McKinney	\$299,456.30	1,021	\$293.30	983	\$304.64
45	Troy	Thomas Gabel	\$333,066.63	1,519	\$219.27	1,412	\$235.88

FY 2009 - Commitment Denfense Unit Cost Per Case

	Location	Current District Defender	Total Costs For District	FY09 Cases Assigned	Cost Per Assignment	FY09 Cases Disposed	Cost Per Disposition
71	Civil Commitment Unit	Roscoe Miller	\$435,539.76	25	\$17,421.59	29	\$15,018.61

FY 2009 - Appellate Division Cost Per Case

	Location	Current District Defender	Total Costs For District	FY09 Cases Assigned	Cost Per Assignment	FY09 Cases Disposed	Cost Per Disposition
50	Columbia Appellate	Ellen Flottman	\$847,384.33	369	\$2,296.43	312	\$2,715.98
51	St. Louis Appellate	Scott Thompson	\$612,402.51	374	\$1,637.44	342	\$1,790.65
52	Kansas City Appellate	Susan Hogan	\$401,237.30	211	\$1,901.60	192	\$2,089.78
67	Appellate/PCR Central A	Steve Harris	\$841,242.86	459	\$1,832.77	462	\$1,820.87
68	Appellate/PCR Eastern B	Renee Robinson	\$410,992.68	360	\$1,141.65	345	\$1,191.28
69	Appellate/PCR Western B	Ruth Sanders	\$271,027.64	170	\$1,594.28	169	\$1,603.71

FY 2008 - Capital Division Cost Per Case

	Location	Current District Defender	Total Costs For District	FY09 Cases Assigned	Cost Per Assignment	FY09 Cases Disposed	Cost Per Disposition
53	Columbia Capital	Jan Zembles	\$891,537.64	2	\$445,768.82	6	\$148,589.61
54	St. Louis Capital	Robert Wolfrum	\$1,089,978.36	6	\$181,663.06	10	\$108,997.84
55	Kansas City Capital	Tom Jackquinot	\$571,721.42	6	\$95,286.90	8	\$71,465.18

Fiscal Year 2011

Legislative Budget Request

Appropriate Staffing of Local Public Defender Offices

\$9,346,747

MSPD attorneys are routinely doing non-attorney tasks. In order to most effectively utilize precious lawyer time, a substantial increase in support staff resources must be provided. The Senate Interim Committee on the Public Defender System and the Spangenberg Project in conjunction with George Mason University agree that there is a tremendous lack of support staff available to assist attorneys in their daily practice. Therefore attorneys are spending time on activities that should be performed by support staff.

In addition, only one-third of the hours spent on each case are from support staff. Currently, each attorney is supported by less than .50 FTE. .

This decision item will bring a turnaround to our staffing ratios. Rather than having attorneys doing support staff tasks, there will be support staff to assist attorneys in preparing their cases. The positions sought would provide each hypothetical team of 3 attorneys with one investigator, one secretary and one legal assistant. Of course, staffing is seldom divided evenly and staffing would be placed where the needs are greatest.

Current Ratios of Support Staff to Attorney Positions						9/8/2009
	Paralegals	Secretary	Investigators	Legal Assistants	Mitigation Specialists	
Trial	78.75	5.23	6.92	9.26	NA	
Appellate	24.33	3.84	6.64	NA	12.17	
Capital	NA	4.25	4.25	NA	4.25	
Totals	67.00	5.00	6.70	10.84	52.64	2.10
	1 Paralegal to Every 67 Attorneys	1 Secretary to Every 5 Attorneys	1 Investigator to Every 6.7 Attorneys	1 Legal Assistant to Every 10.84 Attorneys	1 Mitigation Specialist to Every 52.64 Attorneys	2.10 Attorneys to Every Support Staff

Division	Para-legal	Secretary	Investigator	Legal Assist.	Mitigation Specialist	Total Non Attorney	Attorneys	Total
Trial	4.00	60.25	45.13	34.00	0.00	143.38	315.00	458.38
Appellate	1.50	9.50	5.50	0.00	3.00	19.50	36.50	56.00
Capital	0.00	4.00	4.00	0.00	4.00	12.00	17.00	29.00
	5.50	73.75	54.63	34.00	7.00	174.88	368.50	543.38
Admin						26.75		26.75
					Total Authorized FTE			570.13

The Missouri State Public Defender System currently has 368.50 attorneys. If we provide support at a ratio of 1 to 3 for each class of support functions, then the support staff requirements are easy to determine. 368.50 attorneys divided by 3 = 123 of each class of support staff.

	Secretary	Investigator	Legal Assistant
Required	123.00	123.00	123.00
Current	73.75	54.63	34.00
Need	49.25	68.37	89.00

Support Staff Requirements

Cost Breakdown

Personal Service

49.00	Secretarys at Range 12	\$23,796	\$1,166,004
68.00	Investigators at Range 23 E	\$34,644	\$1,764,192
89.00	Legal Assistants at Range 15	\$25,944	<u>\$2,309,016</u>
	Total Personal Service		\$5,239,212

Expense & Equipment

One-time Purchases

68	Investigator Package	\$4,865	\$330,820
89	Legal Assistant Package	\$4,865	\$432,985
49	Secretary Package	\$10,700	<u>\$524,300</u>
	Total One-Time Purchases		\$1,288,105

On-Going Costs

68.00	Investigator	\$9,425	\$640,900
89.00	Legal Assistant	\$7,775	\$691,975
49.00	Secretary	\$4,050	<u>\$198,450</u>
	Total Personnel Related On-Going Costs		\$1,531,325

Total Expense and Equipment \$2,819,430

Total Decision Item Request \$8,058,642

Office Space Requirements

\$2,172,768

When the Missouri State Public Defender System was established, the burden and expense of office space and utility services for local public defender offices was placed on the counties served by that office. That burden remains today in the form of RSMo. 600.040.1 which reads:

The city or county shall provide office space and utility services, other than telephone service, for the circuit or regional public defender and his personnel. If there is more than one county in a circuit or region, each county shall contribute, on the basis of population, its pro rata share of the costs of office space and utility services, other than telephone service. The state shall pay, within the limits of the appropriation therefore, all other expenses and costs of the state public defender system authorized under this chapter.

Some county governments have objected to and resent being required to pay for office space for a Department of State Government.

When the Missouri State Public Defender System was first established and RSMo. 600.040.1 was first enacted, public defender services in most areas of the state were provided through private attorneys who had contracted with Missouri's Public Defender System to provide such services. Since these private contract counsel provided services from their private offices, county governments did not have to provide office space and utilities. In reality, the State paid, through the established contract rate.

In 1997, the legislature responded to the refusal of some counties to provide or pay for Public Defender office space. Language was added to House Bill 5, allowing for the interception of prisoner per diem payments to counties failing to meet their obligations under 600.040. The state has intercepted some money intended for counties that scoffed at their obligation, however, the interceptions and threat of interceptions have put great strain on state-county relations.

In 1999, the legislature once again addressed the problem of providing Public Defender office space. A new section, (RSMo. 600.101), was added which allows disputes between counties and the State Public Defender to be submitted to the Judicial Finance Commission (RSMo. 477.600). Section 600.101 also calls for a study and report from the Judicial Resources Commission to be prepared for the chairs of the House and Senate Judiciary Committees, Senate Appropriations Committee, and House Budget Committee. This year, the Missouri State Public Defender System and the counties of Public Defender Area 36, Butler, Carter, Ripley and Wayne found it necessary to take a dispute to this commission.

Today, some county governments provide public defender office space in county courthouses or other county facilities, some counties rent office space and pay their pro rata share of that rent as required by statute. Some counties, strapped for office space for their own county officials, provide woefully inadequate space in county facilities. Some county governments provide no office space at all and refuse to provide rented office space outside county facilities.

Disputes have not only concerned whether or not office space will be provided at all, they have included where and what space will be provided. Either because of economic necessity or in passive resistance to their obligation, some counties house the Public Defender in woefully inadequate facilities. Public Defenders have endured the indignities of insect infestation, lack of privacy, leaky roofs, and cramped quarters, to name a few.

Counties simply have no interest in the adequacy of the Public Defender facilities, especially when they don't want to provide space at all. Most of our offices serve multiple counties. It is a logistical nightmare to have to get multiple commissioners in multiple counties to sign off on every change to a lease involving one of our offices. (including no less than 33 commissioners in our Chillicothe office, which covers 11 counties!) A number of counties refuse to provide or pay for additional space to accommodate growing defender staff, a problem that will multiply if additional staffing is forthcoming in this legislative session. While MSPD has not received any additional staffing for the past 6 years, we do move positions among offices based upon growing / dropping caseload.

Some of the results:

- ◆ Attorneys doubled up in offices, making a confidential client meeting impossible;
- ◆ Attorneys literally setting up an office in the telephone / computer server closet, as well as taking over all public space in the office –break room, conference room, library – so that these generally standard areas in a law office are no longer available anywhere within in the office;
- ◆ Having to install locks on all filing cabinets and moving them into a public hallway to free up space for staff to squeeze in another desk;
- ◆ MSPD picking up the difference in the rent for additional essential space in a few situations despite a lack of funding for that purpose.
- ◆ Counties fight with MSPD and among themselves when more than one county covered by an office has available 'free' county space and doesn't want to contribute cash to another county instead. These disputes have escalated to lawsuits between counties on at least one occasion. The State Public Defender Commission is interested in locating offices in multi-county Districts where they will be the most effective and efficient use of state resources. Counties do not share that interest, preferring the office to be located where it will cost the least and have the most positive economic impact on their local economy, efficiency and the desires of other counties and the State Public Defender notwithstanding.
- ◆ Some counties flatly refusing to pay any rent for an office not located in their county, with the result that MSPD must pick up their portion of the lease cost, despite a lack of funding for this purpose. There is a provision for the state to intercept prisoner per diem reimbursement costs to cover unpaid county liabilities for public defender office space. MSPD tried to invoke this at one point in the past, but was asked by the then gubernatorial administration to forego the remedy because of the hostility being caused between the state and the counties as a result of the intercept.
- ◆ Receiving an eviction notice because six counties refused to pay, between them, a total increase of \$48.67 per month imposed by the landlord. To prevent the eviction, MSPD agreed to pay the difference. This office has now been relocated.

- ♦ Some counties provide space that is in very poor shape and unfit for a law office. We have been placed in office space where the ceiling tiles were crumbling onto the attorneys' desks, where the 'closed file room' is a basement with a dirt floor that turns to mud with every rain, in offices with asbestos, cockroaches, and termite infestations. Such unsuitable and difficult working conditions undoubtedly contribute to our turnover, as well as to reduced productivity, yet MSPD's hands are tied.

The State Public Defender is not interested in securing fancy, luxurious offices. It's interest is to have facilities adequate to ensure efficient, effective use of personnel and other resources appropriated to the Department.

The State Public Defender Commission is interested in locating offices in multi-county Districts where they will be the most effective and efficient use of state resources. Counties do not share that interest, preferring the office to be located where it will cost the least and have the most positive economic impact on their local economy, efficiency and the desires of other counties and the State Public Defender notwithstanding.

In summary, the current statutory scheme requires counties to cooperate with each other, and with this Department, to provide office space for a Department of State Government. They do so under the threat of prisoner per diem interceptions. It is a formula for conflict between the State Public Defender and counties, as well as between counties of multi-county districts. The problem is sure to get worse in the future. Under the current statute, Missouri's Public Defender Commission is unable to establish and/or expand offices as needed or where needed as caseload varies from year to year.

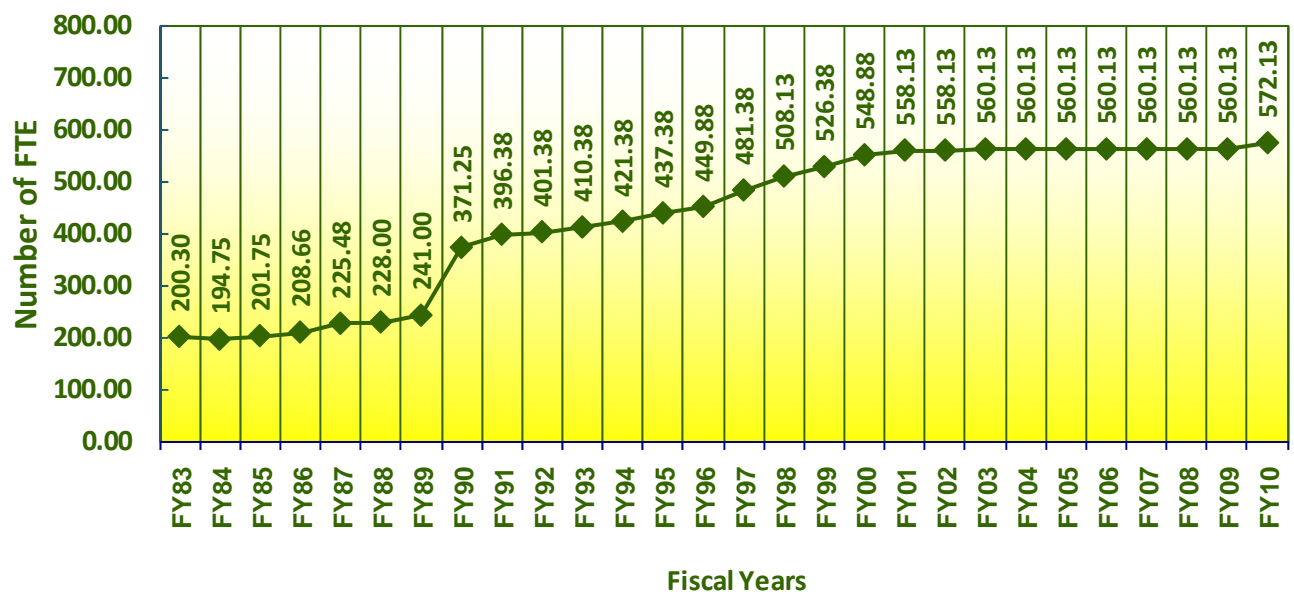
The physical plant of local public defender offices varies greatly, depending upon the ability and/or willingness of local county governments to provide office space. Some public defender offices have adequate space, which greatly enhances their efficiency. Other offices have woefully inadequate space and their ability to effectively and efficiently accomplish their mission is greatly reduced. Under the current statute, the administration can do little to ensure the adequacy and uniformity of office space in local public defender offices.

A change in the legislation, specifically repealing portions of RSMo. 600.040.1, is recommended. Although probably adequate at the time the public defender system was first organized, this Department has grown far beyond its humble beginnings and the original intent of RSMo. 600.040.1.

The legislature, judiciary and public demand a swift, efficient administration of justice. In order to meet that demand, the Missouri Public Defender System needs adequate, efficient physical plants in all its offices. This need is simply not being met under the current statutory scheme.

Fiscal Year	Number of FTE		Fiscal Year	Number of FTE
FY83	200.30		FY97	481.38
FY84	194.75		FY98	508.13
FY85	201.75		FY99	526.38
FY86	208.66		FY00	548.88
FY87	225.48		FY01	558.13
FY88	228.00		FY02	558.13
FY89	241.00		FY03	560.13
FY90	371.25		FY04	560.13
FY91	396.38		FY05	560.13
FY92	401.38		FY06	560.13
FY93	410.38		FY07	560.13
FY94	421.38		FY08	560.13
FY95	437.38		FY09	560.13
FY96	449.88		FY10	572.13

- State Public Defender - FTE Growth



Cost of Renting Office Space for All Local Public Defender Offices
Revised September 10, 2009

Office	Est. Sq. Ft	Estimated Total Rent	Estimated Utilities	Janitor/ Trash	Total Cost	Comment
Kirksville	2,060	\$11,400	Inclusive	\$1,200	\$12,600	Counties Lease - Inadequate - Expired
Maryville	2,060	\$10,350	Inclusive	\$1,200	\$11,550	Counties Lease - Expires 12/31/2013
St. Joseph	5,400	\$32,600	Inclusive	County	\$32,600	County Lease - Expires 06/15/2015
Liberty	5,100	\$53,115			\$53,115	In County Owned Space
Hannibal	2,625	\$35,700	Inclusive	\$2,700	\$38,400	Counties Lease - Expires 12/31/2014
St. Charles	3,675	\$45,000			\$45,000	In Courthouse
Fulton	3,440	\$27,600	\$860	\$1,500	\$29,960	Counties Lease - Expires 12/31/2009
Columbia	6,085	\$65,775		\$3,600	\$69,375	In County Owned Space - Inadequate
Moberly	2,800	\$31,000		\$3,600	\$34,600	Counties Lease - Expires 12/31/2012
Sedalia	3,675	\$38,500	Inclusive	\$3,000	\$41,500	Counties Lease - Lease Expired
Kansas City	14,575	\$250,000	Inclusive	\$0	\$250,000	County Lease - Lease Expires 12/31/2009
Harrisonville	4,300	\$45,150		\$3,600	\$48,750	Counties Lease - Expires 09/30/2010
Jefferson City	3,750	\$42,200			\$42,200	County Owned Space
Union	3,225	\$40,325	Inclusive	\$1,200	\$41,525	Counties Lease - Inadequate - Expired
St. Louis County	8,815	\$185,000	Inclusive	\$0	\$185,000	In Courthouse
St. Louis City	13,125	\$280,000	Inclusive	\$37,440	\$317,440	In Carnahan Courthouse
Hillsboro	3,345	\$41,250	\$0	\$0	\$41,250	In Courthouse
Farmington	4,641	\$45,625		\$3,000	\$48,625	Counties Lease - Expires 06/30/2010
Rolla	5,200	\$50,700		\$2,700	\$53,400	Counties Lease - Expires 01/31/2011
Lebanon	4,100	\$28,800	\$7,200	\$2,700	\$38,700	Counties Lease - Expires 12/31/2014
Nevada	3,000	\$24,840	Inclusive	\$1,500	\$26,340	Counties Lease - Expires 09/30/2011
Carthage	6,700	\$120,750			\$120,750	In County Owned Space -Inadequate
Bolivar	3,500	\$34,125	\$8,531	\$3,600	\$46,256	Counties Lease-Inadequate-Expires 06/11
Springfield	7,450	\$117,950	Inclusive	\$4,800	\$122,750	Counties Lease - Expires 06/30/2012
Jackson	5,377	\$60,750			\$60,750	In County Owned Space
Caruthersville	3,103	\$31,775	Inclusive	\$1,200	\$32,975	Counties Lease - Expired 06/30/95
Kennett	1,777	\$32,175	\$8,044	\$1,200	\$41,419	In County Owned Space
Poplar Bluff	4,480	\$43,500	\$18,000	\$3,600	\$65,100	Counties/State Lease Expires 01/31/2010
West Plains	4,800	\$13,800	Inclusive	\$1,500	\$15,300	Counties Lease - Expires 12/31/2010
Monett	4,300	\$46,250	\$11,563	\$1,680	\$59,493	Counties Lease - Expired 09/30/09
Chillicothe	4,485	\$43,875	Inclusive	\$2,100	\$45,975	Counties Lease - Expires 05/14/2010
Ava	4,560	\$28,500		\$1,920	\$30,420	Counties Lease - Expires 05/31/2015
Troy	3,225	\$34,650			\$34,650	In County Owned Space
Columbia Defenderplex	22,450	\$305,000	\$35,000	\$0	\$340,000	State Public Defender Pays
St. Louis Defenderplex	15,950	\$283,095	Inclusive	\$0	\$283,095	State Public Defender Pays
KC Defenderplex	8,765	<u>\$134,650</u>	Inclusive	\$0	\$134,650	State Public Defender Pays
	205,918	\$2,715,775	\$89,198	\$90,540	\$2,895,513	CO=County Owned
	Less: Current Agency Payments				\$722,745	SL= State Lease
						CL= County Leases
		Total Implementation Costs			\$2,172,768	

According to independent assessments by a national expert on indigent defense systems retained by the Missouri Bar, one made in October, 2005 and the other forthcoming in September 2009, the Missouri State Public Defender System is operating in crisis mode and ‘the probability that public defenders are failing to provide effective assistance of counsel and are violating their ethical obligations to their clients increases every day.’ The Spangenberg Report to be issued later this month states in its conclusion that, “Missouri’s Public Defender System has reached a point where what it provides is often nothing more than the illusion of a lawyer. There is nothing more dangerous in the criminal justice system than the illusion of a lawyer.”

In Fiscal Years 2008 and 2009, \$1.15 million was appropriated for contracting out conflict and caseload overload cases. In Fiscal Year 2010, \$833,443 of the \$1.15 million was used to create and fund 12 attorney FTE’s – an important step in the right direction of increasing the number of attorneys to handle the caseload of indigent defendants facing incarceration in Missouri. However, the overall situation of indigent defense in Missouri has improved very little in the four years since the original Spangenberg report was issued. Missouri maintains the poorest funded statewide public defender system in the nation [20th out of 20] and has the lowest per-capita annual indigent defense expenditure of all southern states except Mississippi, for which data was not available. At the National Caseload Reform Summit hosted by the American Council of Chief Defenders in August, 2007, Missouri was one of only seven states named on a “States in Crisis” list provided to program attendees. Missourians’ commitment to justice demands better.

In the current economic times, it is reasonable to expect all of government to tighten its belt and trim the ‘extras.’ However, unlike most other state agencies, MSPD performs only *one* function and that one function is *constitutionally* mandated. At the same time, public defenders are under the same ethical and professional obligations as any other attorney not to take on more cases than they can effectively handle; and they are equally subject to professional discipline and possible loss of their licenses to practice law if they do so -- just as a medical doctor who continually takes on more patients than he has time to adequately care for could expect to face discipline and possible loss of his license to practice medicine as a result.

Not only are Missouri’s lawyer employees professionally at risk under the current system, the state of Missouri and its citizens are at risk. Cases are delayed, denying victims as well as defendants a timely resolution of their cases. More than one legislator has fielded angry calls from constituents wanting to know why their case of interest has been delayed yet again due to the inability of the public defender to be ready on the case. The chance of convictions being overturned due to ineffective assistance of counsel increases as the caseloads of the attorneys go up, as does the chance that an innocent person will be convicted because his lawyer lacked the time to fully investigate and prepare for his case. Missouri’s State Public Defender System is an integral part of making justice happen in Missouri and it is in dire need of additional resources.

Following years of unsuccessful efforts to obtain the resources needed to address the increasing caseload, in November, 2007, the Public Defender Commission adopted a new Agency rule and Caseload Crisis Protocol (18 CSR 10-4.010). The two together establish a procedure for determining the maximum workload each public defender district office can reasonably be expected to handle. When the total workload hours of the cases assigned to an office have exceeded the maximum allowable workload for that office for three consecutive months, the Rule authorizes the MSPD Director to place a district on "limited availability status". After a period of consultation with the courts, an office on 'limited availability status' will identify certain categories of cases it will no longer accept for as long as the office remains overloaded.

Effective August 1st, 2008, MSPD began implementation of this new Missouri State Public Defender Commission Rule on Caseload. Pursuant to the Rule and Commission Caseload Protocols, a number of public defender offices exceeding their maximum allowable caseloads have already been placed on limited availability status and more certifications are in the pipeline. Most of the courts, prosecuting attorney's offices, and even some local bar associations in areas impacted by such certifications have made tremendous efforts to accommodate the need to give their local public defenders relief. Minor misdemeanor cases are being moved without jail time and without counsel in some areas. In Greene County, the Springfield Metropolitan Bar Association stepped forward with eighty volunteers to handle the probation violation cases the office was forced to turn away.

However, some courts questioned the Commission's authority to turn away cases under Missouri's current statutory scheme and continue to appoint public defenders to more and more cases despite having been notified of their overload. A writ to settle that question is currently pending before the Missouri Supreme Court. In the meantime, almost all of Missouri's public defender district offices continue to qualify for certification due to excessive caseload levels. Regardless of the Supreme Court's ruling on the pending writ, the state is teetering on the precipice of a constitutional crisis in its courts which *must* be addressed.

Hours Required to Handle Office Caseload

We determine the number of cases assigned to that office in each category of case type – e.g. how many murders, how many sex cases, how many felony drug cases, etc. during the preceding fiscal year. The number of cases in each category is then multiplied by the number of hours set forth in the Missouri Modified NAC table above, and then totaled to determine the total number of attorney hours *needed* to handle the caseload assigned to that district for the three-month interval examined.

MSPD MODIFIED NAC HOURS PER CASE TYPE	
Non-Capital Homicides	173 hours per case
Sex Offenses - A & B	31 hours per case
Other Felonie Offenses	14 hours per case
Misdemeanors	5 hours per case
Juvenile	10 hours per case
Appeals	83 hours per case
29.15 Cases	62 hours per case
24.035 Cases	21 hours per case
Probation Violations	5 hours per case

Note: This protocol calculates attorney hours based upon new cases assigned. It does not count hours being spent now on cases that were assigned four or five months ago that remain open. This is balanced out by counting the total number of hours required to handle each new case assigned as falling entirely within the fiscal year interval under examination even though, in reality, those hours – like the current open cases -- will be spread over several months, perhaps years, to come. The one balances out the other and the result is a reasonably accurate assessment of average actual workload.

FY2009 ASSIGNED CASES - Trial Division & Contract Counsel

Case Type		FY09 Trial Division Cases	FY09 Case Overload Contract Relief	Hours Required for Case Type	FY09 NAC Modified Required Hours
10	Murder - Death Penalty	2		14	28
15	Murder 1st Degree	101	8	173	18,857
20	Other Homicide	155	6	173	27,853
30D	AB Felony Drug	2,633	54	14	37,618
30F	AB Felony Other	3,394	82	14	48,664
30X	AB Felony Sex	710	7	31	22,227
35D	CD Felony Drug	5,235	70	14	74,270
35F	CD Felony Other	19,983	362	14	284,830
35X	CD Felony Sex	314	1	31	9,765
45M	Misdemeanor	17,327	99	5	87,130
45T	Misdemeanor - Traffic	7,638	39	5	38,385
50N	Juvenile - Non Violent	1,246	1	10	12,470
50S	Juvenile - Status	360		10	3,600
50V	Juvenile - Violent	871	2	10	8,730
60	552 Release Petitions	38		14	532
65F	Probation Violation - Felony	13,719	26	5	68,725
65M	Probation Violation - Misd	5,688	24	5	28,560
75	Special Writ	8		83	664
80	Appeal - Misdemeanor	2		83	166
82	Appeal - Other	1		83	83
	Totals	79,425	781		
				Case Hours	773,157
				Travel Hours	29,664
				Management Hours	31,980
				Total Hours	834,801
		Attorneys Required (Total Hours/1752)			476
		Number of Current TD Attorneys			300
2340.00	Standard Work Hours (45 hrs. *52 wks)		Number Needed		176
-51.50	Attorney Sick Leave				
-216.00	Holidays and Annual Leave	Total # of Attorneys Required			476
-320.50	Non Case Related Hours (13.7%)	Current # of Attorneys			300
1752.00	Available Attorney Case Hours			Need*	176

Trial Division Protocol			
	Protocol	FY2011	FY2012
Cost Breakdown			
Personal Service			
Assistant Public Defender III - Range 30	176.00	40.00	40.00
\$49,104	\$8,642,304	\$1,964,160	\$1,964,160
Investigators - Range 23	59.00	13.00	13.00
\$34,644	\$2,043,996	\$450,372	\$450,372
Secretaries - Range 12	59.00	13.00	13.00
\$23,796	\$1,403,964	\$309,348	\$309,348
Legal Assistants - Range 15	59.00	13.00	13.00
\$25,944	<u>\$1,530,696</u>	<u>\$337,272</u>	<u>\$337,272</u>
	353.00	79.00	79.00
Total Personal Service	\$13,620,960	\$3,061,152	\$3,061,152
Expense & Equipment			
One-time Purchases			
Attorney Package	176.00	40.00	40.00
\$4,750	\$836,000	\$190,000	\$190,000
Investigator Package	59.00	13.00	13.00
\$4,865	\$287,035	\$63,245	\$63,245
Legal Assistant Package	59.00	13.00	13.00
\$4,865	\$287,035	\$63,245	\$63,245
Secretary Package	59.00	13.00	13.00
\$10,700	<u>\$631,300</u>	<u>\$139,100</u>	<u>\$139,100</u>
Total One-Time Purchases	\$2,041,370	\$455,590	\$455,590
On-Going Costs			
Attorneys	176.00	40.00	40.00
\$9,750	\$1,716,000	\$390,000	\$390,000
Investigator	59.00	13.00	13.00
\$9,425	\$556,075	\$122,525	\$122,525
Legal Assistant	59.00	13.00	13.00
\$7,775	\$458,725	\$101,075	\$101,075
Secretary	59.00	13.00	13.00
\$4,050	<u>\$238,950</u>	<u>\$52,650</u>	<u>\$52,650</u>
Total Personnel Related On-Going Costs	\$2,969,750	\$666,250	\$666,250
	\$5,011,120	\$1,121,840	\$1,121,840
Total Expense and Equipment			
Total Decision Item Request	\$18,632,080	\$4,182,992	\$4,182,992

Caseload Increase—Appellate Division**\$919,136**

As previously stated there is a critical need for more staffing in the trial division, the same holds true in the Appellate Division. In fact, the Appellate Division had been reduced to meet the increasing critical needs in the Trial Division. Now the appellate caseload has increased by 17.47% over the prior fiscal year.

This decision item will only provide funding at the FY2009 caseload level and does not include any request for projections of the FY2010 or FY2011 caseload. The purpose of this budget request, is to request funding to allow MSPD to provide representation in those cases we already have.

For a complete description of the Caseload Crisis Protocol, adopted by the State Public Defender Commission, please review the narrative for the Trial Division decision item.

Appellate Division Protocol			
Description	FY09 Cases Opened	Protocol Hours Required for Case Type	Hours Required for Case Type
Death Penalty PCR	5	NA	0
Felony Appeals	443	83	36,769
Misdemeanor Appeals	23	83	1,909
Juvenile Appeals	11	83	913
PCR Appeals	370	62	22,940
PCR 24.035 Trials	774	21	16,254
PCR 29.15 Trials	250	62	15,500
Other	<u>67</u>	21	<u>1,407</u>
Total Number of Cases	1,943		
Case Hours			95,692.00
Travel Hours			1,082.00
Management Hours			<u>3,744.00</u>
Total Hours			100,518.00
Attorneys Required (100,518/1752)			57.37
FY2009 - Public Defender Appellate Division Attorneys			<u>35.50</u>
Number of Additional Attorneys Required to meet Standard			21.87

APPELLATE DIVISION FOUR YEAR PHASE IN

Due to the severe nature of this decision item and the costs involved to resolve the total public defender caseload crisis, the Missouri State Public Defender is requesting that the funding to alleviate the crisis be phased in over a four year period.. Additional funding of the Missouri State Public Defender Protocol will be requested in future years and will be based on current caseloads at the time of the request.

Appellate Division Protocol

	Protocol	FY2011	FY2012
<u>Cost Breakdown</u>			
Personal Service			
Assistant Public Defender III - Range 30 \$49,104	22.00 \$1,080,288	6.00 \$294,624	6.00 \$294,624
Investigators - Range 23 \$34,644	7.00 \$242,508	2.00 \$69,288	2.00 \$69,288
Secretaries - Range 12 \$23,796	7.00 \$166,572	2.00 \$47,592	2.00 \$47,592
Legal Assistants - Range 15 \$25,944	7.00 <u>\$181,608</u>	2.00 <u>\$51,888</u>	2.00 <u>\$51,888</u>
	43.00	12.00	12.00
Total Personal Service	\$1,670,976	\$463,392	\$463,392
Expense & Equipment			
One-time Purchases			
Attorney Package \$4,750	22.00 \$104,500	6.00 \$28,500	6.00 \$28,500
Investigator Package \$4,865	7.00 \$34,055	2.00 \$9,730	2.00 \$9,730
Legal Assistant Package \$4,865	7.00 \$34,055	2.00 \$9,730	2.00 \$9,730
Secretary Package \$10,700	7.00 <u>\$74,900</u>	2.00 <u>\$21,400</u>	2.00 <u>\$21,400</u>
Total One-Time Purchases	\$247,510	\$69,360	\$69,360
On-Going Costs			
Attorneys \$9,750	22.00 \$214,500	6.00 \$58,500	6.00 \$58,500
Investigator \$9,425	7.00 \$65,975	2.00 \$18,850	2.00 \$18,850
Legal Assistant \$7,775	7.00 \$54,425	2.00 \$15,550	2.00 \$15,550
Secretary \$4,050	7.00 <u>\$28,350</u>	2.00 <u>\$8,100</u>	2.00 <u>\$8,100</u>
Total Personnel Related On-Going Costs	\$363,250	\$101,000	\$101,000
	\$610,760	\$170,360	\$170,360
Total Expense and Equipment			
Total Decision Item Request	\$2,281,736	\$633,752	\$633,752

Increased Operating Costs**\$253,083—FY2011****\$253,083—FY2010 Supplemental**

For Fiscal Year 2010 the state rate of reimbursement for mileage traveled in personal vehicles increased from \$.475 per mile to \$.50 per mile. In Fiscal Year 2009, State Public Defender Personnel traveled 2,138,581 miles. This represents an additional cost of \$53,465 dollars for Fiscal Year 2010. Even if the reimbursement mileage does not increase for FY2010, which is unlikely, the State Public Defender does not have sufficient Expense & Equipment monies to reimburse mileage and continue to pay other on-going costs.

At the close of Fiscal Year 2009, \$199,618 of on-going costs were unable to be paid from the FY09 Legal Services Expense and Equipment appropriation. This amount included most May expense accounts, postage, utilities, office supplies, deposition costs, copy machine maintenance contracts, cleaning services and payment for copies of records. A like amount of funding should be added to FY2011 to allow MSPD to remain paying current invoices from current fiscal years.

INCREASED OPERATING COSTS	
Travel +.025 per mile * 2,138,581 miles	\$53,465
Recover FY2009	\$199,618
Total	\$253,083

FY2009 Expenditures
Paid from Legal Defense & Defender Fund

OBJECT	DESCRIPTION	
2100	IN-STATE MILEAGE	\$75,174.67
2103	IN-STATE COMMERCIAL TRANS	\$104.15
2104	IN-STATE COMMER TRANS-OTHER	\$371.34
2106	IN-STATE LODGING	\$3,251.18
2109	IN-STATE MEALS	\$695.80
2112	OTHER IN-STATE TRAVEL EXPENSE	\$318.35
2115	OUT-OF-STATE MILEAGE	\$195.70
2121	OUT-OF-STATE LODGING	\$174.38
2124	OUT-OF-STATE MEALS	\$114.00
2127	OTHER OUT-OF-STATE TRAV EXP	\$5.00
2200	ELECTRICITY	\$1,249.20
2203	WATER & SEWAGE	\$216.32
2206	NATURAL GAS	\$298.15
2250	OFFICE SUPPLIES	\$14,985.44
2265	POSTAGE	\$10,419.74
2268	PUBLICATIONS & SUBSCRIPTIONS	\$704.00
2313	CUSTODIAL SUPPLIES	\$571.22
2328	MOTOR FUEL	\$446.07
2334	CLOTHING SUPPLIES	\$184.45
2370	NOTARY SUPPLIES	\$25.00
2403	TELECOMMUNICATION CHRG	\$32,131.88
2406	NETWORK CIRCUIT LINE CHARGES	\$121.37
2415	PAGER & BEEPER CHARGES	\$104.68
2418	AUDIO/VIDEO CHARGES	\$125.00
2457	EXPRESS & FREIGHT SERVICES	\$2,127.97
2460	PRINTING & BINDING SERVICES	\$1,793.61
2463	PHOTOGRAPHIC SERVICES	\$134.13
2478	LAUNDRY & LINEN SERVICES	\$385.40
2505	PROFESSIONAL COURT SERV	\$16,456.45
2541	INFO TECHNOLOGY CONSULT & SRVS	\$207.71
2544	OTHER PROFESSIONAL SERVICES	\$5,979.00
2547	HOUSEKEEP & JANITOR SERVICES	\$7,858.00
2556	WASTE REMOVAL SERVICES	\$24.06
2598	OFFICE FURN & EQUIP REPAIR & MAINT.	\$6,423.48
2610	VEHICLE REPAIR & MAINT	\$593.72
2865	BLDG/STORAG/STRUC LEASES, OPER	\$2,750.00
2868	PARKING LEASES	\$10,870.00
2916	OFFICE FURN & EQUIP RENTALS	\$186.60
2995	COPIES OF RECORDS	\$1,840.71
		\$199,617.93

MISSOURI STATE PUBLIC DEFENDER SYSTEM

DIRECTOR, DEPUTY DIRECTOR & DIVISION DIRECTORS

J. Marty Robinson, Director
Kathleen L. Lear, Comptroller
231 E. Capitol Avenue
Jefferson City, MO 65101
573-526-5210 FAX: 573-526-5213

Peter Sterling, General Counsel
Dan Gralike, Deputy Director
Greg Mermelstein, Division Director
Woodrail Centre
1000 West Nifong—Building 7, Suite 100
Columbia, MO 65203
573-882-9855 FAX: 573-884-4020

Cathy Kelly, Deputy Director
Karen Kraft, Division Director
Ellen Blau, Division Director
1000 St. Louis Union Station—Suite 300
St. Louis, MO 63103
314-340-7662 FAX: 314-340-7666

TRIAL DIVISION OFFICES

Area 2 -- Adair, Knox, Schuyler, Scotland Counties

Kevin Locke, District Defender
705 E. LaHarpe, Suite C
Kirksville, MO 63501
660-785-2445 FAX: 660-785-2449

Area 4 -- Andrew, Atchison, Gentry, Holt, Nodaway, Worth Counties

Michelle Davidson, District Defender
Northside Mall
115 East Fourth Street, Suite 5
Maryville, MO 64468
660-582-3545 FAX: 660-562-3398

Area 5 -- Buchanan County

Sue Rinne, District Defender
120 South 5th Street, 2nd Floor
St. Joseph, MO 64501
816-387-2026 FAX: 816-387-2786

Area 7 -- Clay, Clinton, Platte Counties

Anthony Cardarella, District Defender
234 West Shrader
Liberty, Missouri 64068
816-792-5394 FAX: 816-792-8267

Area 10 -- Clark, Lewis, Marion, Monroe, Ralls, Shelby Counties

Todd Schulze, District Defender
201 North Third Street
Hannibal, MO 63401
573-248-2430 FAX: 573-248-2432

Area 11 -- St. Charles, Warren Counties

Richard Scheibe, District Defender
300 N. Second Street, Suite 264
St. Charles, MO 63301
636-949-7300 FAX: 636-949-7301

Area 12 -- Audrain, Callaway, Montgomery Counties

Justin Carver, District Defender
500 Market Street
Fulton, MO 65251
573-592-4155 FAX: 573-642-9528

Area 13 -- Boone County

Anthony Manansala, District Defender
601 E. Walnut
Columbia, MO 65201
573-882-9701 FAX: 573-882-9147

Area 14 -- Chariton, Howard, Linn, Macon, Randolph Counties

Leecia Carnes, Acting District Defender
3029 County Road 1325
Moberly, MO 65270
660-263-7665 FAX: 660-263-2479

Area 15 -- Cooper, Lafayette, Pettis, Saline Counties

Kathleen Brown, District Defender
110 S. Limit
Sedalia, MO 65301
660-530-5550 FAX: 660-530-5545

MISSOURI STATE PUBLIC DEFENDER SYSTEM

Area 16 -- Jackson County

Joel Elmer, District Defender
Oak Tower, 20th Floor
324 E. 11th Street
Kansas City, MO 64106-2417
816-889-2099 FAX: 816-889-2999

Area 17 -- Bates, Cass, Henry, Johnson, St. Clair Counties

Jeffrey Martin, District Defender
1300 Locust Street, Suite A
Harrisonville, MO 64701
816-380-3160 FAX: 816-380-7844

Area 19 -- Cole, Miller, Moniteau, Osage Counties

Jan King, District Defender
210 Adams Street
Jefferson City, MO 65101
573-526-3266 FAX: 573-526-1115

Area 20 -- Franklin, Gasconade Counties

Lisa Preddy, District Defender
4-B S. Church Street
Union, MO 63084
636-583-5197 FAX: 636-583-1740

Area 21 -- St. Louis County

Tara Crane, Acting District Defender
100 S. Central, 2nd Floor
Clayton, MO 63105
314-615-4778 FAX: 314-615-0128

Area 22 -- St. Louis City

Mary Fox, District Defender
Mel Carnahan Courthouse
1114 Market Street, Suite 602
St. Louis, MO 63101
314-340-7625 FAX: 314-340-7595

Area 23 -- Jefferson County

Val Held, District Defender
P.O. Box 156
300 Main Street
Hillsboro, Missouri 63050
636-789-5254 FAX: 636-789-5267

Area 24 -- Iron, Madison, Reynolds, St. Francois, Ste. Genevieve, Washington Counties

Wayne Williams, District Defender
Liberty Hall Professional Building
400 N. Washington Street, Suite #232
Farmington, MO 63640
573-218-7080 FAX: 573-218-7082

Area 25 -- Crawford, Dent, Maries, Phelps, Pulaski, Texas Counties

Donna Holden, District Defender
1212-A Hwy. 72 East, Suite 4
Rolla, MO 65401
573-368-2260 FAX: 573-364-7976

Area 26 -- Camden, Laclede, Morgan Counties

Karie Comstock, District Defender
288 Harwood
Lebanon, MO 65536
417-532-6886 FAX: 417-532-6894

Area 28 -- Barton, Cedar, Dade, Vernon Counties

Joe Zuzul, District Defender
329 C North Barrett
Nevada, MO 64772
417-448-1140 FAX: 417-448-1143

Area 29 -- Jasper, McDonald, Newton Counties

Darren Wallace, District Defender
115 Lincoln Street
Carthage, MO 64836
417-359-8489 FAX: 417-359-8490

Area 30 -- Benton, Dallas, Hickory, Polk, Webster Counties

Dewayne Perry, District Defender
800 East Aldrich Road
Suite E
Bolivar, Missouri 65613
417-777-8544 FAX: 417-777-3082

MISSOURI STATE PUBLIC DEFENDER SYSTEM

Area 31 -- Christian, Greene, Taney Counties

Rodney Hackathorn, District Defender
630 North Robberson
Springfield, MO 65806
417-895-6740 FAX: 417-895-6780

Area 32 -- Bollinger, Cape Girardeau, Mississippi, Perry, Scott Counties

Christopher Davis, District Defender
215 North High Street
Jackson, MO 63755
573-243-3949 FAX: 573-243-1613

Area 34 -- New Madrid, Pemiscot Counties

Brandon Sanchez, District Defender
407 Walker Avenue
Caruthersville, MO 63830
573-333-4066 FAX: 573-333-0756

Area 35 -- Dunklin, Stoddard Counties

Catherine Rice, District Defender
P.O. Box 648
101 S. Main
Kennett, MO 63857
573-888-0604 FAX: 573-888-0614

Area 36 -- Butler, Carter, Ripley, Wayne Counties

Steven Lynxwiler, District Defender
2323 North Main
Poplar Bluff, MO 63901
573-840-9775 FAX: 573-840-9773

Area 37 -- Howell, Oregon, Shannon Counties

Donna Anthony, District Defender
1314 Webster Street
West Plains, MO 65775
417-257-7224 FAX: 417-257-7692

Area 39 -- Barry, Lawrence, Stone Counties

Clate Baker, District Defender
P.O. Box 685
305 Dairy
Monett, MO 65708-0685
417-235-8828 FAX: 417-235-5140

Area 43 -- Caldwell, Carroll, Daviess, DeKalb, Grundy, Harrison, Livingston, Mercer, Putnam, Ray, Sullivan Counties

Kelly Miller, District Defender
500 Youssef
Chillicothe, MO 64601
660-646-3343 FAX: 660-646-4228

Area 44 -- Douglas, Ozark, Wright Counties

Linda McKinney, District Defender
P.O. Box 951
404 East Washington Street
Ava, MO 65608
417-683-5418 FAX: 417-683-5820

Area 45 -- Lincoln, Pike Counties

Thomas Gabel, District Defender
240 West College
Troy, MO 63379
636-528-5084 FAX: 636-528-5086

COMMITMENT DEFENSE UNIT

Roscoe Miller, District Defender
115 Lincoln Street
Carthage, MO 64836
417-359-8489 FAX: 417-359-8490

Jeffrey Griffin, Attorney
Randy Schlegel, Attorney
920 Main Street, Suite 500
Kansas City, MO 64105
816-889-7699 Fax: 816-889-2001

Amy Clay, Attorney
100 South Central, 2nd Floor
Clayton, MO 63105
314-615-4778 FAX: 314-615-0128

MISSOURI STATE PUBLIC DEFENDER SYSTEM

APPELLATE/PCR DIVISION

Appellate Central District

Ellen Flottman, District Defender
Woodrail Centre
1000 West Nifong—Building 7, Suite 100
Columbia, MO 65203
573-882-9855 FAX: 573-882-4793

PCR Central District

Steve Harris, District Defender
Woodrail Centre
1000 West Nifong—Building 7, Suite 100
Columbia, MO 65201
573-882-9855 FAX: 573-882-9468

Appellate/PCR Eastern District (A)

Scott Thompson, District Defender
1000 St. Louis Union Station-Suite 300
St. Louis, MO 63103
314-340-7662 FAX: 314-340-7685

Appellate/PCR Eastern District (B)

Renee Robinson, District Defender
1000 St. Louis Union Station-Suite 300
St. Louis, MO 63103
314-340-7662 FAX: 314-421-7685

Appellate/PCR Western District (A)

Susan Hogan, District Defender
920 Main Street, Suite 500
Kansas City, MO 64105
816-889-7699 Fax: 816-889-2001

Appellate/PCR Western District (B)

Ruth Sanders, District Defender
920 Main Street, Suite 500
Kansas City, MO 64105
816-889-7699 Fax: 816-889-2001

CAPITAL LITIGATION DIVISION

Central District

Janice Zembles, District Defender
Woodrail Centre
1000 West Nifong—Building 7, Suite 100
Columbia, MO 65201
573-882-9855 FAX: 573-884-4921

Eastern District

Robert Wolfrum, District Defender
1000 St. Louis Union Station-Suite 300
St. Louis, MO 63103
314-340-7662 FAX: 314-340-7666

Western District

Thomas Jacquinot, District Defender
920 Main Street, Suite 500
Kansas City, MO 64105
816-889-7699 Fax: 816-889-2001

MISSOURI STATE PUBLIC DEFENDER COMMISSION

Eric Barnhart, Chair

818 Lafayette Ave.
St. Louis, MO 63104
PHONE: 314-231-0777
FAX: 314-231-3704

Muriel Brison

5945 Old Zero Road
Berger, MO 63014
PHONE: 573-486-2152

Douglas A. Copeland

231 South Bemiston, 12th Floor
Clayton, MO 63105
PHONE: 314-726-1900
FAX: 314-722-2231

Bishop Willie J. Ellis

5939 Goodfellow
St. Louis, MO 63147
PHONE: 314-381-5730

Miller Leonard

351 (A) Main Street
Platte City, MO 64079
PHONE: 816-298-0250

Rebecca Stith

3718 Wyoming Street
St. Louis, MO 63116
Phone: 314-539-7917

Vacant Commissioner

Missouri
State Public Defender System

J. Marty Robinson, Director

State Public Defender
231 E. Capitol Avenue
Jefferson City, MO 65101
PHONE: 573-526-5210
FAX: 573-526-5213

**Missouri State Public Defender
Web Site**

<http://www.publicdefender.mo.gov>